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AID Mission in Laos Used as CIA Cover

By Jack Foisie
Los Angeles Times

VIENTIANE, March 9—The U.S. civilian aid mission in Laos is being used as a cover for CIA agents engaged in clandestine operations against the Communist enemy.

Agents posing as members of the U.S. Agency for International Development mission's rural development division are recruiting and training progovernment guerrillas to fight Communists, detect enemy movements and act as ground controllers for aircraft.

The Americans involved in these military activities are members of the AID mission's Rural Development Annex to distinguish them from other rural development workers engaged in normal functions—assistance to civilians in remote areas.

Based on talks with people throughout Laos the past several weeks, the number of agents posing as civilian AID workers totals several hundred.

In one area there are almost 50 Americans and about half of them are listed as members of the Rural Development Annex. In military Region 2 in Northeast Laos, where much of the fighting has occurred, annex members are very numerous.

In the northeast, both regular and guerrilla forces are under the command of the Meo tribal general, Vang Pao. For years the CIA has been active in supporting Vang Pao's mountain people.

See CIA, A12, Col. 3

CIA, From A1

Originally the activity was under the code name of White Star. It now appears that Rural Development Annex is the successor to White Star.

Although nominally under control of the AID mission director, Charles Mann, annex people answer only to the CIA chief in Laos.

There is another secret organization hidden within the AID Mission compound. It is called the Special Requirements Office. Its personnel provide the supplies for the clandestine units.

Even AID workers who are in remote areas to help villagers dig wells, build schools and teach sanitation are sometimes called upon to act as forward air controllers, it was learned.

Discontent in Mission

Within the AID mission there is some discontent over the military role that is being forced upon them.

"It breeds distrust of the people we are trying to help," one field worker said. "I won't say that we perform humanitarian work free of political implications. But now some people think we're an adjunct of the military."

It is particularly embarrassing for field supervisors when they ask for more money or more staff and the request is questioned by an unknowing bureaucrat in Washington.

"How can you ask for more men when you've already got 15 supervising well-digging?" is the query.

He doesn't know that 10 of the well-digging experts are really CIA agents.

Peace Corps Predecessor

The only strong opposition to the AID mission's change of its original peaceful role, however, comes from a youthful group of overseas workers, members of the International Volunteer Service. Privately chartered, IVS preceded the Peace Corps.

There are 49 IVS members in Laos, and they serve under an AID mission contract. Although they have made no formal protest, there is deep discontent and some are considering voicing their displeasure.

Many members of the annex are former American servicemen who fought in Vietnam. Often they come from the Special forces and their job in Laos is about the same—without the green beret.

The men for the annex are recruited as their discharge date from service comes due. Many have a desire for further adventure overseas and like the high pay, triple or more what they earned when in uniform.

There is the possibility that some men have gained temporary leave from the armed forces and can return to the military after their contract expires.

In the past several years the membership in the annex has remained constant, it was learned. Only the American air support to the Royal Lao government forces seems to have escalated.

ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not less than 20 minutes.

Laos

CONGRESSIONAL RESPONSIBILITY AND THE HIDDEN POLICIES OF SOUTHEAST ASIA

Mr. McGOVERN. Mr. President, only 10 days ago the Congress received the President's message on U.S. foreign policy for the 1970's. Described by the President as the "first annual report on U.S. foreign policy," it espoused a new "Nixon doctrine." Mr. Nixon described the report as "the most comprehensive statement on U.S. foreign policy ever made in this century."

With regard to Asia and the Pacific, the major theme of the message was that future U.S. policy would be shaped in accordance with the Guam doctrine, first described by the President on July 25, 1969, and later restated in his November 3 Vietnam address.

Summarizing the key elements of his Guam approach, the President made these three points:

First. The United States will keep all its treaty commitments.

Second. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.

Third. In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

The President said:

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

Yet, today we are waging a serious military operation in Laos. There is no longer any question about that, as the majority leader said here yesterday. It includes the training and direction of local forces and an aerial bombardment running at an estimated rate of 500 sorties daily, although there seems to be some dispute as to the exact level.

We are doing all of this in violation of the Geneva Accords of 1962, and we are doing it—and more—without the knowledge of the Congress and the American people. We have read reports about this in the press over past months, but it is also fair to say that no Member of Congress—certainly not this Member of Congress—knows fully what our operations are in Laos.

How does this square with the President's pledge that we shall keep our international commitments? What has happened to the pledge that we signed at Geneva in 1962 that we would not participate in military operations or paramilitary operations or arms aid in Laos?

I had a discussion with a distinguished member of the press this morning who told me there was nothing in the Geneva agreement that foreclosed the possibility of us granting military aid or participating in military operations if it were so requested by the Government of Laos.

I checked very carefully on the Geneva accords which we signed in 1962 and I find that that member of the press is mistaken.

Article IV of the agreement specifically prohibits military or paramilitary assistance by any outside power in the state of Laos.

Mr. President, I ask unanimous consent to have printed at the conclusion of my prepared remarks the text of the Geneva settlement of July 23, 1962.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, I call special attention to article IV to which I find no exception whatsoever in the remaining portion of this document.

How does the roughly $300 million in annual military and supporting military aid we are pouring into this tiny little kingdom square with the President's warning that "if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence?"

An even more serious question is raised by the secretive character of our hidden war in Laos. In his televised foreign policy speech of last November 3, the President said:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

We not only do not know the truth about our heavy involvement in Laos but also we are increasingly in the dark about what is really going on in Vietnam.

The senior Senator from Missouri (Mr. SYMINGTON), who is in the Chamber, has been chairing a special committee looking into these matters. He probably knows more about them than any other Member of Congress. He has discharged that obligation with great care and wisdom, as he always does. But other Members of Congress are increasingly in the dark about what is really going on in Laos, Vietnam, and Southeast Asia. Indeed, the entire Southeast Asia involvement is more and more riddled with confusion and contradiction.

I am grateful for the reduction in our forces in Vietnam which the President made. I credit him for his steps of a de-escalatory nature. But I challenge anyone to explain what our present policy really is that distinguishes it strongly from the course we have followed in Vietnam for the past decade. I ask if anyone really believes that our present policy will lead to the disengagement of American forces from Southeast Asia in the next decade.

Three years ago I described our Southeast Asian policy as one of "madness." It is nothing less than that, and it is getting more intolerable. It was bad enough to make the initial blunders that drew us into the Southeast Asian tangle. To continue these blunders under a new public relations umbrella and a policy of secrecy is to mislead the American people.

It has been said that we should forgo further discussion of the issue of Vietnam and Southeast Asia and move on to other issues. But Southeast Asia is a cancer in the American body politic that must be removed before we can satisfactorily confront the serious areas of neglect in our own society and around the world.

It is all well and good to talk about saving our environment—I am all for that—or rebuilding our cities; or ending poverty, poor health care and bad housing; but none of those things will be adequately addressed as long as we are pouring our money, energy, and blood into the caldron of Southeast Asia. There is a special note of irony in the current environmental commotion, in that while we are talking about the crucial issues of ecology and pollution, we are polluting the water and soil of South Vietnam with chemical defoliants. No one can read the scholarly analysis of this biological and chemical campaign in Vietnam, described in depth by Thomas Whiteside in the February 7, 1970, issue of the New Yorker magazine, without deploring the folly that passes for policy in Southeast Asia.

Mr. President, I ask unanimous consent that the article which I have referred to may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McGOVERN. Mr. President, if we do not end our military and political machinations in that area soon, I tremble for the future of our society and our place in the world. What we are now doing to the people of Southeast Asia and what we are doing to ourselves is an affront to every principle of decency and commonsense.

I indict our policy in Southeast Asia, first, because we are backing a corrupt, repressive regime in Saigon that does not merit the sacrifice of one American or Vietnamese life. That regime has neither the support nor the respect of its own people. It probably has less integrity, less intelligence, less commonsense, and less reason to exist than the coalition of Vietnamese forces which challenge it.

Two elected members of the South Vietnamese Assembly, Tran Ngoc Chau and Hoang Ho, have recently been sentenced by a drumhead military court for advocating what I advocate—a broadened coalition government in the south capable of negotiating a settlement of the war.

Deputy Tran Ngoc Chau is a retired colonel with the South Vietnamese Army and a former province chief and mayor

of Danang. He wears South Vietnam's most exalted decoration for valor and patriotism. He was elected to the South Vietnamese Assembly by his own people. He has been supplying valuable material to the American CIA. Yet, because the Thieu-Ky regime feared his political independence, they convened a five-man military trial, and after 35 minutes of "deliberation," condemned him to 20 years in jail. A second deputy, Hoang Ho, was sentenced to death on a similar charge, but he avoided capture by fleeing the country and some 20,000 people of the best political skill in South Vietnam have done the same thing.

The runnerup presidential candidate in the 1967 election, Truong Dinh Dzu, has been in jail ever since the election—and will stay there for another 3 years—for the same crime of advocating a broader political base in South Vietnam and a negotiated end of the war.

The Thieu-Ky regime, which we claim to be backing in the interest of self-determination, actually stays in power only because we hold it in power. It jails or exiles its critics, bans its newspaper opponents, and rejects any suggestion of broadening its own political base.

There are an estimated 30,000 political prisoners in Vietnam—mostly non-Communists—with views toward ending the war approximately like the congressional critics in our own country. An equal number have fled Vietnam. A much larger number doubtless belong to South Vietnam's silent but sullen majority.

Indeed, most of the indigenous, competent leadership of South Vietnam is either in these dissenting, jailed, or exiled groups—or with the National Liberation Front.

Many thoughtful non-Communist people have turned in despair to the National Liberation Front because they found no other viable alternative, not because they wanted to endorse the Communist ideology.

The constituency of the Thieu-Ky regime are the opportunists, the military adventurers, the black marketeers, pimps and prostitutes, and others who profit from this regime—plus the enormous American military and economic presence that subsidizes and supports that regime at the expense of the American people.

Let me say flatly: There will be no peace in Vietnam and no end to our involvement until we loosen our embrace of the Thieu-Ky regime. That regime will never be accepted by the people of Vietnam, and as long as we insist on keeping it in power, we will have to stay there to hold it in power. We say we must stay in Vietnam to preserve self-determination; but we are really there for precisely the opposite reason: to prevent self-determination.

Such a policy is not in our national interest. Our interest is in encouraging the emergence of a broadly representative coalition in Saigon that is capable of negotiating a settlement of the war with the National Liberation Front and Hanoi. That process could begin overnight, if we would relax our grip on General Thieu and let indigenous political forces begin to form in South Vietnam.

My second indictment of our policy in Southeast Asia is that we are waging a secret war in Laos which is repugnant to the principles and security of a free society. It is absolutely incredible that a great nation such as ours could be conducting a major military operation in a foreign country without the knowledge of either its citizens or its Congress. But that is the fact. In spite of the painful lessons of Vietnam, we are going down the same road in Laos, and we are doing it in secret.

Laos is a kingdom of less than 3 million persons and about the size of Oregon. Its people are 95 percent rural. They are an easygoing, congenial people who want little more of life than a chance to grow some rice, catch a few fish, tend their huts, and rear their families. But for many years we have been trying to convert them into a powerful, modernized military bastion to turn back some kind of great imaginary Communist combine involving Russia, China, Hanoi, and the Pathet Lao. This enormously costly and foolish effort, which we have financed and directed, has been enough to have killed, wounded, or made homeless a third of the 3 million population.

Having done much to build up one group of Laotians to fight the others, we have discovered that "our" Laotians do not very much relish the fight. The consequence has been more and more American airpower, American advisers, and CIA operatives. All of this has been regarded as such delicate stuff that it was not proper to tell either the Congress or the American people about it.

Our Government and the Laotian Government have a deliberate policy designed to prevent either the press or the Congress from learning the nature and extent of American involvement in Laos. Reporters are carefully prevented from reaching northeastern military region II where most of the American military activities are occurring. The planes which could take Americans there belong to Air America or Continental Airways—private companies chartered by the CIA and AID. It requires clearance from the American Embassy in Saigon for reporters to board these planes, and that clearance is not given.

Writing in the March 1, 1970, Washington Star, Tammy Arbuckle reports that Central Intelligence Agency and American military are warned that if a correspondent does show up in their area, they are to disappear. "You should have seen this place empty when they heard the press was coming," an American said while relating one such incident.

"These CIA people consider the American public as enemy No. 1, I think even worse than Hanoi," an American staffer at Vientiane told reporter Arbuckle.

It is both ironic and highly disturbing that while American newsmen are being blocked from reporting the news in Laos, the Vice President and other administration spokesmen have sought to intimidate critical press reports and commentary in our own country.

But in spite of efforts by the administration, the military, and the CIA—and this is not a partisan judgment; these things have been going on in previous administrations—to wage a secret war in Laos, certain alarming facts are now beginning to emerge.

It appears that we are carrying on B-52 and tactical bombing raids in Laos that are comparable to or greater than the raids over North Vietnam at their heaviest—raids in clear violation of the Geneva accords of 1962 brought about to a great extent through the able diplomacy of Averell Harriman. There is no way that that accord or document can be interpreted as a legal cover for this aerial bombardment.

To say that North Vietnam is also guilty of international violations is to say that we will set American policy according to the illegal standards of others. Furthermore, as Senator MANSFIELD has reminded us:

> There are other signatories of the accord. Have the others immersed themselves in the war? Has the Soviet Union? The United Kingdom? France? Indeed, has China?

It seems clear that we invited the recent Communist offensive in the Plaine des Jarres by encouraging an American trained, equipped, and directed Laotian army to seize this area last September, thus upsetting a more or less stable military line that had existed for several years. There is growing evidence that the CIA and American military personnel—apparently in civilian garb—are directing Laotian military operations.

Defense Secretary Laird has said that the President will not send American combat troops to Laos without asking for permission from Congress. I suppose we should give thanks for small favors. But it is a measure of how far we have permitted the constitutional responsibility of the Congress to deteriorate when we accept such a condescending assurance as satisfactory. It is not satisfactory at all; it is an outrage.

The Constitution places in Congress the power to declare war. This is not something the President should regard as a courtesy to be extended at his discretion. Furthermore, why does anyone suppose that conducting massive air raids over Laos at a rate of several hundred sorties a day is not war? Sending American planes and pilots to bomb a foreign country is as serious an act of war as an attack with forces on the ground. It may not be as unpopular in domestic American politics, but it is definitely an act of war.

If Congress is to recover its constitutional responsibility and regain public confidence, we had better assert without delay our control over the unofficial and unknown war now raging in Laos and the undeclared, seemingly endless war in Vietnam. Both of these wars should be ended now. At the very least, we should take the time and make the effort to learn what the CIA and the military and the President are up to in Southeast Asia.

Mr. President, some 2 years ago I wanted to ask for a closed session of the Senate to discuss this matter and our overall involvement in Southeast Asia. I

was persuaded not to make that request at that time, on the grounds that this is a matter that ought to be discussed openly. But we are told that this is classified information. The Senator from Missouri (Mr. SYMINGTON) has had great difficulty in getting clearance from the executive branch to release the information that he has.

With that thought in mind, I would like to suggest something that I believe has been on the minds of other Senators.

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

Mr. McGOVERN. I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Toward that end, I would suggest as a first step that the Senate be given a full report by the administration of what we are now doing in Southeast Asia. Since the administration regards this as classified information, a closed session of the Senate should be held to hear this information, if it is classified, to be provided either directly by the administration or through the Foreign Relations Committee, chaired by Senator FULBRIGHT, and the special subcommittee chaired by Senator SYMINGTON. The Senate should then discuss whether the policy is in our national interest, and in any event should fully inform the American people as to the nature and operation of that policy. Any policy which cannot stand the light of day and the judgment of the American people is a policy we should not be pursuing.

Whether you agree with our involvement or not, at least we ought to know where it is, where we are heading, and what is involved.

The truth is not always easy or reassuring, but it is the essential foundation of a free society.

Mr. President, I ask unanimous consent to insert in the RECORD several other articles relating to our involvement in Laos.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 3.)

EXHIBIT 1

DECLARATION ON THE NEUTRALITY OF LAOS, JULY 23, 1962[1]

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"THE ROYAL GOVERNMENT OF LAOS,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos, Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognize the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to those principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrtiy of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasising the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that—

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(*e*) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(*f*) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(*g*) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(*h*) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(*i*) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(*j*) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

[1] Treaties and Other International Acts Series 5410.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol—

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign miliary personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necesary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are national in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration of the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in cooperation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of in-

spection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in sub-paragraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairmen shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Republics, which shall furnish certified copies thereof to the other signatory States and to all other States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

[From the New Yorker, Feb. 7, 1970]

EXHIBIT 2

A REPORTER AT LARGE: DEFOLIATION

(By Thomas Whiteside)

Late in 1961, the United States Military Advisory Group in Vietnam began, as a minor test operation, the defoliation, by aerial spraying, of trees along the sides of roads and canals east of Saigon. The purpose of the operation was to increase visibility and thus safeguard against ambushes of allied troops and make more vulnerable any Vietcong who might be concealed under cover of the dense foliage. The number of acres sprayed does not appear to have been publicly recorded, but the test was adjudged a success militarily. In January, 1962 following a formal announcement by South Vietnamese and American officials that a program of such spraying was to be put into effect, and that it was intended "to improve the country's economy by permitting freer communication as well as to facilitate the Veitnamese Army's task of keeping these avenues free of Vietcong harassments," military defoliation operations really got under way. According to an article that month in the New York Times, "a high South Vietnamese official" announced that a seventy-mile stretch of road between Saigon and the coast was sprayed "to remove foliage hiding Communist guerrillas." The South Vietnamese spokesman also announced that defoliant chemicals would be sprayed on Vietcong plantations of manioc and sweet potatoes in the Highlands. The program was gathering momentum. It was doing so in spite of certain private misgivings among American officials, particularly in the State Department, who feared, first, that the operations might open the United States to charges of engaging in chemical and biological warfare, and, second, that they were not all that militarily effective. Roger Hilsman, now a professor of government at Columbia University, and then Director of Intelligence and Research for the State Department, reported, after a trip to Vietnam, that defoliation operations "had political disadvantages" and, furthermore, that they were of questionable military value, particularly in accomplishing their supposed purpose of reducing cover for ambushes. Hilsman later recalled in his book, "To Move a Nation," his visit to Vietnam, in March, 1962: "I had flown down a stretch of road that had been used for a test and found that the results were not very impressive. . . . Later, the senior Australian military representative in Saigon, Colonel Serong, also pointed out that defoliation actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better field of fire." According to Hilsman, "The National Security Council spent tense sessions debating the matter."

Nonetheless, the Joint Chiefs of Staff and their Chairman, General Maxwell Taylor, agreed that chemical defoliation was a useful military weapon. In 1962, the American military "treated" 4,940 acres of the Vietnamese countryside with herbicides. In 1963, the area sprayed increased five-fold to a total of 24,700 acres. In 1964, the defoliated area was more than tripled. In 1965, the 1964 figure was doubled, increasing to 155,610 acres. In 1966, the sprayed area was again increased fivefold, to 741,247 acres, and in 1967 it was doubled once again over the previous year, to 1,486,446 acres. Thus, the areas defoliated in Vietnam had increased approximately three hundredfold in five years, but now adverse opinion among scientists and other people who were concerned about the effects of defoliation on the Vietnamese ecology at last began to have a braking effect on the program. In 1968, 1,267,110 acres were sprayed, and in 1969 perhaps a million acres. Since 1962, the defoliation operations have covered almost five million acres, an area equivalent to about twelve per cent of the entire territory of South Vietnam, and about the size of the state of Massachusetts. Between 1962 and 1967, the deliberate destruction of plots of rice, manioc, beans, and other foodstuffs through herbicidal spraying—the word "deliberate" is used here to exclude the many reported instances of accidental spraying of Vietnamese plots—increased three hundredfold, from an estimated 741 acres to 221,312 acres, and by the end of 1969 the Vietnamese cropgrowing area that since 1962 had been sprayed with herbicides totalled at least half a million acres. By then, in many areas the original purpose of the defoliation had been all but forgotten. The military had discovered that a more effective way of keeping roadsides clear was to bulldoze them. But by the time of that discovery defoliation had settled in as a general policy and taken on a life of its own—mainly justified on the ground that it made enemy infiltration from the North much more difficult by removing vegetation that concealed jungle roads and trails.

During all the time since the program began in 1961, no American military or civilian official has ever publicly characterized it as an operation of either chemical or biological warfare, although there can be no doubt that it is an operation of chemical warfare in that it involves the aerial spraying of chemical substances with the aim of gaining a military advantage, and that it is an operation of biological warfare in that it is aimed at a deliberate disruption of the biological conditions prevailing in a given area. Such distinctions simply do not appear in official United States statements or documents; they were long ago shrouded under heavy verbal cover. Thus, a State Department report, made public in March, 1966, saying that about twenty thousand acres of crops in South Vietnam had been destroyed by defoliation to deny food to guerrillas, described the areas involved as "remote and thinly populated," and gave a firm assurance that the materials sprayed on the crops were of a mild and transient potency: "The herbicides used are nontoxic and not dangerous to man or animal life. The land is not affected for future use."

However comforting the statements issued by our government during seven years of herbicidal operations in Vietnam, the fact is that the major development of defoliant chemicals (whose existence had been known in the thirties) and other herbicidal agents came about in military programs for biological warfare. The direction of this work was set during the Second World War, when Professor E. J. Kraus, who then headed the Botany Department of the University of Chicago, brought certain scientific possibilities to the attention of a committee that had been set up by Henry L. Stimson, the Secretary of War, under the National Research Council, to provide the military with advice on various aspects of biological warfare. Kraus, referring to the existence of hormone-like substances that experimentation had shown would kill certain plants or disrupt their growth, suggested to the committee in 1941 that it might be interested in "the toxic properties of growth-regulating substances for the destruction of crops or the limitation of crop production." Military research on herbicides thereupon got under way, principally at Camp (later Fort) Detrick, Maryland, the Army center for biological-warfare research. According to George Merck, a chemist, who headed Stimson's biological-warfare advisory committee, "Only the rapid ending of the war prevented field trials in an active theatre of synthetic agents that would, without injury to human or animal life, affect the growing crops and make them useless."

After the war, many of the herbicidal materials that had been developed and tested for biological-warfare use were marketed for civilian purposes and used by farmers and homeowners for killing weeds and controlling brush. The most powerful of the herbicides were the two chemicals 2,4-dichlorophenoxyacetic acid, generally known as 2,4-D, and 2,4,5-trichlorophenoxyacetic acid, known as 2,4,5-T. The direct toxicity levels of these chemicals as they affected experimental animals, and, by scientific estimates, men, appeared then to be low (although these estimates have later been challenged), and the United States Department of Agriculture, the Food and Drug Administration, and the Fish and Wildlife Service all sanctioned the widespread sale and use of both. The chemicals were also reported to be shortlived in soil after their application. 2,4-D was the bigger seller of the two, partly because it was cheaper, and suburbanites comonly used mixtures containing 2,4-D on their lawns to control dandelions and other weeds. Commercially, 2,4-D and 2,4,5-T were used to clear railroad rights-of-way and power-line routes, and, in cattle country, to get rid of woody brush, 2,4,5-T being favored for the last, because it was considered to have a more effective herbicidal action on woody plants. Very often, however, the two chemicals were used in combination. Between 1945 and 1963, the production of herbicides jumped from nine hundred and seventeen thousand pounds to about a hundred and fifty million pounds in this country; since 1963, their use has risen two hundred and seventy-one percent—more than double the rate of increase in the use of pesticides, though pesticides are still far more extensively used. By 1960, an area equivalent to more than three per cent of the entire United States was being sprayed each year with herbicides.

Considering the rapidly growing civilian use of these products, it is perhaps not surprising that the defoliation operations in Vietnam escaped any significant comment in the press, and that the American public remained unaware of the extent to which these uses had their origin in planning for chemical and biological warfare. Nevertheless, between 1941 and the present, testing and experimentation in the use of 2,4-D, 2,4,5-T, and other herbicides as military weapons were going forward very actively at Fort Detrick. While homeowners were using herbicida mixtures to keep their lawns free of weeds, the military were screening some twelve hundred compounds for their usefulness in biological-warfare operations. The most promising of these compounds were test-sprayed on tropical vegetation in Puerto Rico and Thailand, and by the time full-scale defoliation operations got under way in Vietnam the U.S. military had settled on the use of four herbicidal spray materials there. These went under the names Agent Orange, Agent Purple, Agent White, and Agent Blue—designations derived from color-coded stripes girdling the shipping drums of each type of material. Of these materials, Agent Orange, the most widely used as a general defoliant, consists of a fifty-fifty mixture of *n* butyl esters and of 2,4-D and 2,4,5-T. Agent Purple, which is interchangeable with Agent Orange, consists of the same substances with slight molecular variations. Agent White, which is used mostly for forest defoliation, is a combination of 2,4-D and Picloram, produced by the Dow Chemical Company. Unlike 2,4-D or 2,4,5-T, which, after application, is said to be decomposable by mirco-organisms in soil over a period of weeks or months (one field test of 2,4,5-T in this country showed that significant quantities persisted in soil for ninety-three days after application), Picloram—whose use the Department of Agriculture has not authorized in the cultivation of any American crop—is one of the most persistent herbicides known. Dr. Arthur W. Galston, professor of biology at Yale, has described Picloram as "a herbicidal analog of DDT," and an article in a Dow Chemical Company publication called "Down to Earth" reported that in field trials of Picloram in various California soils between eighty and ninety-six and a half per cent of the substance remained in the soils four hundred and sixty-seven days after application. (The rate at which Picloram decomposes in tropical soils may, however, be higher.) Agent Blue consists of a solution of cacodylic acid, a susbtance that contains fifty-four per cent arsenic, and it is used in Vietnam to destroy rice crops. According to the authoritative "Merck Index," a source book on chemicals, this material is "poisonous." It can be used on agricultural crops in this country only under certain restrictions imposed by the Department of Agriculture. It is being used herbicidally on Vietnamese rice fields at seven and a half times the concentration permitted for weed-killing purposes in this country, and so far in Vietnam something like five thousand tons is estimated to have been sprayed on paddies and vegetable fields.

Defoliation operations in Vietnam are carried out by a special flight of the 12th Air Commando Squadron of the United States Air Force, from a base at Bien Hoa, just outside Saigon, with specially equipped C–123 cargo planes. Each of these aircraft has been fitted out with tanks capable of holding a thousand gallons. On defoliation missions, the herbicide carried in these tanks is sprayed from an altitude of around a hundred and fifty feet, under pressure, from thirty-six nozzles on the wings and tail of the plane, and usually sever spray planes work in formation, laying down broad blankets of spray. The normal crew of a military herbicidal-spray plane consists of a pilot, a co-pilot, and a technician, who sits in the tail area and operates a console regulating the spray. The equipment is calibrated to spray a thousand gallons of herbicidal mixture at a rate that works out, when all goes well, to about three gallons per acre. Spraying a thousand-gallon tankload takes five minutes. In an emergency, the tank can be emptied in thirty seconds—a fact that has particular significance because of what has recently been learned about the nature of at least one of the herbicidal substances.

The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is commonly used. In similar fashion, military public-relations men refer to the herbicidal spraying of crops supposedly grown for Vietcong use in Vietnam, when they refer to it at all as a "food-denial program." By contrast, an American biologist who is less than enthusiastic about the effort has called it, in its current phase, "escalation to a program of starvation of the population in the affected area." Dr. Jean Mayer, the Harvard professor who now is President Nixon's special adviser on nutrition, contended in an article in *Science and Citizen* in 1967 that the ultimate target of herbicidal operations against rice and other crops in Vietnam was "the weakest element of the civilian population"—that is, women, children, and the elderly—because in the sprayed area "Vietcong soldiers may . . . be expected to get the fighter's share of whatever food there is." He pointed out that malnutrition is endemic in many parts of Southeast Asia but that in wartime South Vietnam, where diseases associated with malnutrition, such as beri-beri, anemia, kwashiorkor (the disease that has decimated the Biafran population), and tuberculosis, are particularly widespread, "there can be no doubt that if the (crop-destruction) program is continued, (the) problems will grow."

Whether a particular mission involves defoliation or crop destruction, American military spokesmen insist that a mission never takes place without careful consideration of all the factors involved, including the welfare of friendly inhabitants and the safety of American personnel. (There can be little doubt that defoliation missions are extremely hazardous to the members of the planes' crews, for the planes are required to fly very low and only slightly above stalling speed, and they are often targets of automatic-weapons fire from the ground.) The process of setting up targets and approving specific herbicidal operations is theoretically subject to elaborate review through two parallel chains of command; one chain consisting of South Vietnamese district and province chiefs—who can themselves initiate such missions—and South Vietnamese Army commanders at variosu levels; the other a United States chain, consisting of a district adviser, a sector adviser, a divisional senior adviser, a corps senior adviser, the United States Military Assistance Command in South Vietnam, and the American Embassy in Saigon, ending up with the American ambassador himself. Positive justification of the military advantage likely to be gained from each operation is theoretically required, and applications with such positive justification are theoretically disapproved. However, according to one of a series of articles by Elizabeth Pond that appeared toward the end of 1967 in the *Christian Science Monitor:*

"In practice, [American] corps advisers find it very difficult to turn down defoliation requests from province level because they simply do not have sufficient specific knowledge to call a proposed operation into question. And with the momentum of six years' use of defoliants, the practice, in the words of one source, has long since been "set in cement."

"The real burden of proof has long since shifted from the positive one of justfying an operation by its [military] gains to the negative one of denying an operation because of [specific] drawbacks. There is thus a great deal of pressure, especially above province level, to approve recommendations sent up from below as a matter of course."

Miss Pond reported that American military sources in Saigon were "enthusiastic" about the defoliation program, and that American commanders and spotter-plane pilots were "clamoring for more of the same." She was given firm assurances as to the mild nature of the chemicals used in the spray operations:

"The defoliants used, according to the military spokesman contacted, are the same herbicides . . . as those used commercially over some four million acres in the United States. In the strengths used in Vietnam they are not at all harmful to humans or animals, the spokesman pointed out, and in illustration of this he dabbed onto his tongue a bit of liquid from one of . . . three bottles sitting on his desk."

As the apparently inexorable advance of defoliation operations in South Vietnam continued, a number of scientists in the United States began to protest the military use of herbicides, contending that Vietnam was being used, in effect, as a proving ground for chemical and biological warfare. Early in 1966, a group of twenty-nine scientists, under the leadership of Dr. John Edsall, a professor of biochemistry at Harvard, appealed to President Johnson to prohibit the use of defoliants and crop-destroying herbicides, and called the use of these substances in Vietnam "barbarous because they are indiscriminate." In the late summer of 1966, this protest was followed by a letter of petition to President Johnson from twenty-two scientists, including seven Nobel laureates. The petition pointed out that the "large-scale use of anticrop and 'nonlethal' antipersonnel chemical weapons in Vietnam" constituted "dangerous precedent" in chemical and biological warfare, and it asked the President to order it stopped. Before the end

of that year, Dr. Edsall and Dr. Matthew S. Meselson, a Harvard professor of biology, obtained the signatures of five thousand scientists to co-sponsor the petition. Despite these protests, the area covered by defoliation operations in Vietnam in 1967 was double that covered in 1966, and the acreage of crops destroyed was nearly doubled.

These figures relate only to areas that were sprayed intentionally. There is no known way of spraying an area with herbicides from the air in a really accurate manner, because the material used is so highly volatile, especially under tropical conditions, that even light wind drift can cause extensive damage to foliage and crops outside the deliberately sprayed area. Crops are so sensitive to the herbicidal spray that it can cause damage to fields and gardens as much as fifteen miles away from the target zone. Particularly severe accidental damage is reported, from time to time, to so-called "friendly" crops in the III Corps area, which all but surrounds Saigon and extends in a rough square from the coastline to the Cambodian border. Most of the spraying in III Corps is now done in War Zones C and D, which are classified as free fire zones, where, as one American official has put it, "everything that moves in Zones C and D is considered Charlie." A press dispatch from Saigon in 1967 quoted another American official as saying that every Vietnamese farmer in that corps area knew of the defoliation program and disapproved of it. Dr. Galston, the Yale biologist, who is one of the most persistent critics of American policy concerning herbicidal operations in Vietnam, recently said in an interview, "We know that most of the truck crops grown along roads, canals, and trails and formerly brought into Saigon have been essentially abandoned because of the deliberate or inadvertent falling of these defoliant sprays; many crops in the Saigon area are simply not being harvested." He also cited reports that in some instances in which the inhabitants of Vietnamese villages have been suspected of being Vietcong sympathizers the destruction of food crops has brought about complete abandonment of the villages. In 1966, herbicidal operations caused extensive inadvertent damage, through wind drift, to a very large rubber plantation northwest of Saigon owned by the Michelin rubber interests. As the result of claims made for this damage, the South Vietnamese authorities paid the corporate owners, through the American military, nearly a million dollars. The extent of the known inadvertent damage to crops in Vietnam can be inferred from the South Vietnamese budget—in reality, the American military budget—for settling such claims. In 1967, the budget for this compensation was three million six hundred thousand dollars. This sum, however, probably reflects only the barest emergency claims of the people affected.

According to Representative Richard D. McCarthy, a Democrat from upstate New York who has been a strong critic of the program, the policy of allowing applications for defoliation operations to flow, usually without question, from the level of the South Vietnamese provincial or district chiefs has meant that these local functionaries would order repeated sprayings of areas that they had not visited in months, or even years. The thought that a Vietnamese district chief can initiate such wholesale spraying, in effect without much likelihood of serious hindrance by American military advisers, is a disquieting one to a number of biologists. Something that disquiets many of them even more is what they believe the long-range effects of nine years of defoliation operations will be on the ecology of South Vietnam. Dr. Galston, testifying recently before a congressional subcommittee on chemical and biological warfare, made these observations:

"It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4-D and 2,4,5-T, have been irreversibly damaged. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a hundred thousand acres of these mangroves have been sprayed. . . . Some (mangrove areas) had been sprayed as early as 1961 and have shown no substantial signs of recovery. . . . Ecologists have known for a long time that the mangroves lining estuaries furnish one of the most important ecological niches for the completion of the life cycle of certain shellfish and migratory fish. If these plant communities are not in a healthy state, secondary effects on the whole interlocked web of organisms are bound to occur. . . . In the years ahead the Vietnamese, who do not have overabundant sources of proteins anyhow, are probably going to suffer dietarily because of the deprivation of food in the form of fish and shellfish.

"Damage to the soil is another possible consequence of extensive defoliation. . . . We know that the soil is not a dead, inert mass but, rather, that it is a vibrant, living community. . . . If you knock the leaves off of trees once, twice, or three times . . . you change the quality of the soil. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty per cent of all the soils fall into this category—are laterizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter. . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibly hardened; it can't be made back into soil. . . .

"Another ecological consequence is the invasion of an area by undesirable plants. One of the main plants that invade an area that has been defoliated is bamboo. Bamboo is one of the most difficult of all plants to destroy once it becomes established where you don't want it. It is not amenable to killing by herbicides. Frequently it has to be burned over, and this causes tremendous dislocations to agriculture."

Dr. Fred H. Tschirley, assistant chief of the Crops Protection Research Branch of the Department of Agriculture, who made a month's visit to Vietnam in the spring of 1968 in behalf of the State Department to report on the ecological effects of herbicidal operations there, does not agree with Dr. Galston's view that laterization of the soil is a serious probability. However, he reported to the State Department that in the Rung Sat area, southeast of Saigon, where about a hundred thousand acres of mangrove trees had been sprayed with defoliant, each single application of Agent Orange had killed ninety to a hundred per cent of the mangroves touched by the spray, and he estimated that the regeneration of the mangroves in this area would take another twenty years, at least. Dr. Tschirley agrees with Dr. Galston that a biological danger attending the defoliation of mangroves is an invasion of virtually ineradicable bamboo.

A fairly well-documented example not only of the ecological consequences of defoliation operations but also of their disruptive effects on human life was provided last year by a rubber-plantation area in Kompong Cham Province, Cambodia, which lies just across the border from Vietnam's Tay Ninh Province. On June 2, 1969, the Cambodian government, in an angry diplomatic note to the United States government, charged the United States with major defoliation damage to rubber plantations, and also to farm and garden crops in the province, through herbicidal operations deliberately conducted on Cambodian soil. It demanded compensation of eight and a half million dollars for destruction or serious damage to twenty-four thousand acres of trees and crops. After some delay, the State Department conceded that the alleged damage might be connected with "accidental drift" of spray over the border from herbicidal operations in Tay Ninh Province. The Defense Department flatly denied that the Cambodian areas had been deliberately sprayed. Late in June, the State Department sent a team of four American scientists to Cambodia, and they confirmed the extent of the area of damage that the Cambodians had claimed. They found that although some evidence of spray drift across the Vietnamese border existed, the extent and severity of damage in the area worst affected were such that "it is highly unlikely that this quantity could have drifted over the border from the Tay Ninh defoliation operations." Their report added, "The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight." A second report on herbicidal damage to the area was made after an unofficial party of American biologists, including Professor E. W. Pfeiffer, of the University of Montana, and Professor Arthur H. Westing, of Windham College, Vermont, visited Cambodia last December at the invitation of the Cambodian government. They found that about a third of all the rubber trees currently in production in Cambodia had been damaged, and this had happened in an area that normally had the highest latex yield per acre of any in the world. A high proportion of two varieties of rubber trees in the area had died as a result of the damage, and Dr. Westing estimated that the damage to the latex-producing capacity of some varieties might persist for twenty years. Between May and November of last year, latex production in the affected plantations fell off by an average of between thirty-five and forty per cent. According to a report by the two scientists, "A large variety of garden crops were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the . . . local inhabitants . . . depend for their well-being upon their own local produce. These people saw their crops . . . literally wither before their eyes." The Cambodian claim is still pending.

Until the end of last year, the criticism by biologists of the dangers involved in the use of herbicides centered on their use in what were increasingly construed as biological-warfare operations, and on the disruptive effects of these chemicals upon civilian populations and upon the ecology of the regions in which they were used. Last year, however, certain biologists began to raise serious questions on another score—possible direct hazards to life from 2,4,5-T. On October 29th, as a result of these questions, a statement was publicly issued by Dr. Lee DuBridge, President Nixon's science adviser. In summary, the statement said that because a laboratory study of mice and rats that had been given relatively high oral doses of 2,4,5-T in early stages of pregnancy "showed a higher than expected number of deformities" in the offspring, the government would, as a precautionary measure, undertake a series of coordinated actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. The DuBridge statement identified the laboratory study as having been made by an organization called the Bionetics Research Laboratories, in Bethesda, Maryland, but gave no details of either the findings or the data on which they were based. This absence of specific information turned out to be characteristic of what has been made available to the public concerning this particular research project. From the beginning, it seems, there was an extraordinary reluctance to discuss details of the purported ill effects of 2,4,5-T on animals. Six weeks after the publication of the DuBridge statement, a journalist who was attempting to obtain a copy

of the full report made by Bionetics and to discuss its details with some of the government officials concerned encountered hard going. At the Bionetics Laboratories, an official said that he couldn't talk about the study, because "we're under wraps to the National Institutes of Health"—the government agency that commissioned the study. Then, having been asked what the specific doses of 2,4,5-T were that were said to have increased birth defects in the fetuses of experimental animals, the Bionetics official cut off discussion by saying, "You're asking sophisticated quesions that as a layman you don't have the equipment to understand the answers to." At the National Institutes of Health, an official who was asked for details of or a copy of the study on 2,4,5-T replied, "The position I'm in is that I have been requested not to distribute this information." He did say, however, that a continuing evaluation of the study was under way at the National Institute of Environmental Health Sciences, at Research Triangle Park, North Carolina. A telephone call to an officer of this organization brought a response whose tone varied from wariness to downright hostility and made it clear that the official had no intention of discussing details or results of the study with the press.

The Bionetics study on 2,4,5-T was part of a series carried out under contract to the National Cancer Institute, which is an arm of the National Institutes of Health, to investigate more than two hundred compounds, most of them pesticides, in order to determine whether they induced cancer-causing changes, fetus-deforming changes, or mutation-causing changes in experimental animals. The contract was a lareg one, involving more than two and a half million dollars' worth of research, and its primary purpose was to screen out suspicious-looking substances for further study. The first visible fruits of the Bionetics research were presented in March of last year before a convention of the American Association for the Advancement of Science, in the form of a study of possible carcinogenic properties of the fifty-three compounds; the findings on 2,4,5-T were that it did not appear to cause carcinogenic changes in the animals studied.

By the time the report on the carcinogenic properties of the substances was presented, the results of another part of the Bionetics studies, concerning the teratogenic, or fetus-deforming, properties of the substances, were being compiled, but these results were not immediately made available to biologists outside the government. The data remained—somewhat frustratingly, in the view of some scientists who had been most curious about the effects of herbicides—out of sight, and a number of attempts by biologists who had heard about the teratological study of 2,4,5-T to get at its findings appear to have been thwarted by the authorities involved. Upon being asked to account for the apparent delay in making this information available to biologists, an official of the National Institute of Environmental Health Sciences (another branch of the National Institutes of Health) has declared, with some heat, that the results of the study itself and of a statistical summary of the findings prepared by the Institute were in fact passed on as they were completed to the Commission on Pesticides and Their Relationship to Environmental Health, a scientific group appointed by Secretary of Health, Education, and Welfare Robert Finch and known—after its chairman, Dr. E. M. Mrak, of the University of California—as the Mrak Commission. Dr. Samuel S. Epstein, chief of the Laboratories of Environmental Toxicology and Carcinogenesis at the Children's Cancer Research Foundation in Boston, who was co-chairman of the Mrak Commission panel considering the teratogenic potential of pesticides, tells a different story on the availability of the Bionetics study. He says that he first heard about it in February. At a meeting of his panel in August, he asked for a copy of the report. Ten days later, the panel was told that the National Institute of Environmental Health Sciences would be willing to provide a statistical summary but that the group could not have access to the full report on which the summary was based. Dr. Epstein says that the panel eventually got the full report on September 24th "by pulling teeth."

Actually, as far back as February, officials at the National Cancer Institute had known, on the basis of a preliminary written outline from Bionetics, the findings of the Bionetics scientists on the fetus-deforming role of 2,4,5-T. Dr. Richard Bates, the officer of the National Institutes of Health who was in charge of coordinating the Bionetics project, has said that during the same month this information was put into the hands of officials of the Food and Drug Administration, the Department of Agriculture, and the Department of Defense. "We had a meeting with a couple of scientists from Fort Detrick, and we informed them of what we had learned," Dr. Bates said recently. "I don't know whether they were the right people for us to see. We didn't hear from them again until after the DuBridge announcement at the White House. Then they called up and asked for a copy of the Bionetics report."

At the Department of Agriculture, which Dr. Bates said had been informed in February of the preliminary Bionetics findings, Dr. Tschirley, one of the officials most intimately concerned with the permissible uses of herbicidal compounds, says that he first heard about the report on 2,4,5-T through the DuBridge announcement. At the Food and Drug Administration, where appropriate officials had been informed in February of the teratogenic potential of 2,4,5-T, no new action was taken to safeguard the public against 2,4,5-T in foodstuffs. In fact, it appears that no action at all was taken by the Food and Drug Administration on the matter during the whole of last year. The explanation that F.D.A. officials have offered for this inaction is that they were under instructions to leave the whole question alone at least until December, because the matter was under definitive study by the Mrak Commission—the very group whose members, as it turns out, had such extraordinary difficulty in obtaining the Bionetics data. The Food Toxicology Branch of the F.D.A. did not have access to the full Bionetics report on 2,4,5-T until after Dr. DuBridge issued his statement, at the end of October.

Thus, after the first word went to various agencies about the fetus-deforming potential of 2,4,5-T, and warning lights could have flashed on in every branch of the government and in the headquarters of every company manufacturing or handling it, literally almost nothing was done by the officials charged with protecting the public from exposure to dangerous or potentially dangerous materials—by the officials in the F.D.A., in the Department of Agriculture, and in the Department of Defense. It is conceivable that the Bionetics findings might still be hidden from the public if they had not been pried loose in midsummer through the activities of a group of young law students. The students were members of a team put together by the consumer-protection activist Ralph Nader—and often referred to as Nader's Raiders—to explore the labyrinthine workings of the Food and Drug Administration. In the course of their investigations, one of the law students, a young woman named Anita Johnson, happened to see a copy of the preliminary report on the Bionetics findings that had been passed on to the F.D.A. in February, and its observations seemed quite disturbing to her. Miss Johnson wrote a report to Nader, and in September she showed a copy of the report to a friend who was a biology student at Harvard. In early October, Miss Johnson's friend, in a conversation with Professor Matthew Meselson, mentioned Miss Johnson's report on the preliminary Bionetics findings. This was the first that Dr. Meselson had heard of the existence of the Bionetics study. A few days previously, he had received a call from a scientist friend of his asking whether Dr. Meselson had heard of certain stories, originating with South Vietnamese journalists and other South Vietnamese, of an unusual incidence of birth defects in South Vietnam, which were alleged to be connected with defoliation operations there.

A few days later, after his friend sent him further information, Mr. Meselson decided to obtain a copy of the Bionetics report, and he called up an acquaintance in a government agency and asked for it. He was told that the report was "confidential and classified," and inaccessible to outsiders. Actually, in addition to the preliminary report there were now in existence the full Bionetics report and a statistical summary prepared by the National Institute of Environmental Health Sciences, and, by nagging various Washington friends, Dr. Meselson obtained bootlegged copies of the two latest reports. What he read seemed to him to have such serious implications that he got in touch with acquaintances in the White House and also with someone in the Army to alert them to the problems of 2,4,5-T, in the hope that some new restriction would be placed on its use. According to Dr. Meselson, the White House people apparently didn't know until that moment that the reports on the adverse effects of 2,4,5-T even existed. (Around that time, according to a member of Nader's Raiders, "a tremendous lid was put on this thing" within government agencies, and on the subject of the Bionetics work and 2,4,5-T "people in government whom we'd been talking to freely for years just shut up and wouldn't say a word.") While Dr. Meselson awaited word on the matter, a colleague of his informed the press about the findings of the Bionetics report. Very shortly thereafter, Dr. DuBridge made his public announcement of the proposed restrictions on the use of 2,4,5-T.

In certain respects, the DuBridge announcement is a curious document. In its approach to the facts about 2,4,5-T that were set forth in the Bionetics report, it reflects considerable sensitivity to the political and international issues that lie behind the widespread use of this powerful herbicide for civilian and military purposes, and the words in which it describes the reasons for restricting its use appear to have been very carefully chosen:

"The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

"Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

These actions, according to the statement, included decisions that the Department of Agriculture would cancel manufacturers' registrations of 2,4,5-T for use on food crops, effective at the beginning of 1970, "unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods," and that the Departments of Agriculture and

the Interior, in their own programs, would stop the use of 2,4,5-T in populated areas and in all other areas where residues of the substance could reach man. As for military uses of 2,4,5-T, the statement said, "The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives." However, the statement continued, "the Department of Defense will [henceforth] restrict the use of 2,4,5-T to areas remote from the population."

All this sounds eminently fair and sensible, but whether it represents a candid exposition of the facts about 2,4,5-T and the Bionetics report is debatable. The White House statement that the Bionetics findings "indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities" is, in the words of one eminent biologist who has studied the Bionetics data, "an understatement." He went on to say that "if the effects on experimental animals are applicable to people it's a very sad and serious situation." The actual Bionetics report described 2,4,5-T as producing "sufficiently prominent effects of seriously hazardous nature" in controlled experiments with pregnant mice to lead the authors "to categorize [it] as *probably dangerous*." The report also found 2,4-D "potentially dangerous but needing further study." As for 2,4,5-T, the report noted that, with the exception of very small subcutaneous dosages, "all dosages, routes, and strains resulted in increased incidence of abnormal fetuses" after its administration. The abnormalities in the fetuses included lack of eyes, faulty eyes, cystic kidneys, cleft palates, and enlarged livers. The Bionetics report went on to report on further experimental applications of 2,4,5-T to another species:

"Because of the potential importance of the findings in mice, an additional study was carried out in rats of the Sprague-Dawley strain. Using dosages of 21.5 and 46.4 mg/kg [that is, dosages scaled to represent 21.5 and 46.4 milligrams of 2,4,5-T per kilogram of the experimental animal's body weight] suspended in 50 per cent honey and given by the oral route on the 6th through 15th days of gestation, we observed excessive fetal mortality almost 80 per cent) and a high incidence of abnormalities in the survivors. When the beginning of administration was delayed until the 10th day, fetal mortality was somewhat less but still quite high even when dosage was reduced to 4.6 mg/kg. The incidence of abnormal fetuses was threefold that in controls even with the smallest dosage and shortest period used. . . .

It seems inescapable the 2,4,5-T is teratogenic in this strain of rats when given orally at the dosage schedules used here."

Considering the fetus-deforming effects of the *lowest* oral dosage of 2,4,5-T used in Bionetics work on rats—to say nothing of the excessive fetal mortality—the White House statement that "relatively large oral doses of the herbicide . . . showed a higher than expected number of deformities" is hardly an accurate description of the results of the study. In fact, the statistical tables presented as part of the Bionetics report showed that at the lowest oral dosage of 2,4,5-T given to pregnant rats between the tenth and fifteenth days of gestation thirty-nine per cent of the fetuses produced were abnormal, or three times the figure for control animals. At what could without much question be described as "relatively large oral doses" of the herbicide—dosages of 21.5 and 46.4 milligrams per kilogram of body weight of rats, for example—the percentage of abnormal fetuses was ninety and a hundred per cent, respectively, or a good bit higher than one would be likely to deduce from the phrase "a higher than expected number of deformities." The assertion that "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T" also appears to be worth examining for this is precisely what many biologists are most worried about in relation to 2,4,5-T and allied substances.

It seems fair, before going further, to quote a cautionary note in the DuBridge statement: "The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species. . . ." It would be difficult to get a biologist to disagree with these seemingly sound generalities. However, the first part of the statement does imply, at least to a layman, that the number of experimental animals used in the Bionetics study had been considerably smaller than the numbers used to test commercial compounds other than 2,4,5-T before they are approved by agencies such as the Food and Drug Administration and the Department of Agriculture. In this connection, the curious layman could reasonably begin with the recommendations, in 1963, of the President's Science Advisory Committee on the use of pesticides, which proposed that companies putting out pesticides should be required from then on to demonstrate the safety of their products by means of toxicity studies on two generations of at least two warm-blooded mammalian species. Subsequently, the F.D.A. set up new testing requirements, based on these recommendations, for companies producing pesticides. However, according to Dr. Joseph McLaughlin, of the Food Toxicology Branch of the F.D.A., the organization actually requires applicants for permission to sell pesticides to present the results of tests on only *one* species (usually, in practice, the rat). According to Dr. McLaughlin, the average number of experimental animals used in studies of pesticides is between eighty and a hundred and sixty, including animals used as controls but excluding litters produced. The Bionetics studies of 2,4,5-T used both mice and rats, and their total number was, in fact, greater, not less, than this average. Including controls but excluding litters, the total number of animals used in the 2,4,5-T studies was two hundred and twenty-five. Analysis of the results by the National Institute of Environmental Health Sciences found them statistically "significant," and this is the real purpose of such a study: it is meant to act as a coarse screen to shake out of the data the larger lumps of bed news. Such a study is usually incapable of shaking out anything smaller; another kind of study is needed to do that.

Thus, the DuBridge statement seems to give rise to this question: If the Bionetics study, based on the effects of 2,4,5-T on two hundred and twenty-five experimental animals of two species, appears to be less than conclusive, on the ground that "the study involved relatively small numbers of laboratory rats and mice," what is one to think of the adequacy of the tests that the manufacturers of pesticides make? If, as the DuBridge statement says, "at best it is difficult to extrapolate results obtained with laboratory animals to man," what is one to say of the protection that the government affords the consumer when the results of tests of pesticidal substances on perhaps a hundred and twenty rats are officially extrapolated to justify the use of the substances by a population of two hundred million people—not to mention one to two million unborn babies being carried in their mothers' wombs?

The very coarseness of the screen used in all these tests—that is, the relatively small number of animals involved—means that the bad news that shows up in the data has to be taken with particular seriousness, because lesser effects tend not to be demonstrable at all. The inadequacy of the scale on which animal tests with, for instance, pesticides are currently being made in this country to gain F.D.A. approval is further indicated by the fact that a fetus-deforming effect that might show up if a thousand test animals were used is almost never picked up, since the studies are not conducted on that scale; yet if the material being tested turned out to have the same effect, quantitatively, on human beings, this would mean that it would cause between three and four thousand malformed babies to be produced each year. The teratogenic effects of 2,4,5-T on experimental animals used by the Bionetics people, however, were not on the order of one in a thousand. Even in the case of the lowest oral dose given rats, they were on the order of one in three.

Again, it is fair to say that what is applicable to rats in such tests may not be applicable to human beings. But it is also fair to say that studies involving rats are conducted not for the welfare of the rat kingdom but for the ultimate protection of human beings. In the opinion of Dr. Epstein, the fact that the 2,4,5-T used in the Bionetics study produced teratogenic effects in *both* mice and rats underlines the seriousness of the study's implications. In the opinion of Dr. McLaughlin, this is even further underlined by another circumstance—that the rat, as a test animal, tends to be relatively resistant to teratogenic effects of chemicals. For example, in the late nineteen-fifties, when thalidomide, that disastrously teratogenic compound, was being tested on rats in oral dosages ranging from low to very high, no discernible fetus-deforming effects were produced. And Dr. McLaughlin says that as far as thalidomide tests on rabbits were concerned, "You could give thalidomide to rabbits in oral doses at between fifty and two hundred times the comparable human level to show any comparable teratogenic effects." In babies born to women who took thalidomide, whether in small or large dosages and whether in single or multiple dosages, between the sixth and seventh weeks of pregnancy, the rate of deformation was estimated to be one in ten.

Because of the relatively coarse testing screen through which compounds like pesticides—and food additives as well—are sifted before they are approved for general or specialized use in this country, the Food and Drug Administration theoretically maintains a policy of stipulating, as a safety factor, that the maximum amount of such a substance allowable in the human diet range from one two-thousandth to one one-hundredth of the highest dosage level of the substance that produces no harmful effects in experimental animals. (In the case of pesticides, the World Health Organization takes a more conservative view, considering one two-thousandth of the "no-effect" level in animal studies to be a reasonable safety level for human exposure.) According to the standards of safety established by F.D.A. policy, then, no human being anywhere should ever have been exposed to 2,4,5-T, because in the Bionetics study of rats *every* dosage level produced deformed fetuses. A "no-effect" level was never achieved.

To make a reasonable guess about the general safety of 2,4,5-T for human beings, as the material has been used up to now, the most appropriate population area to observe is probably not the relatively healthy and well-fed United States, where human beings are perhaps better equipped to withstand the assault of toxic substances, but South Vietnam, where great numbers of civilians are half-starved, ravaged by disease, and

racked by the innumerable horrors of war. In considering any potentially harmful effects of 2,4,5–T on human beings in Vietnam, some attempt has to be made to estimate the amount of 2,4,5–T to which people, and particularly pregnant women, may have been exposed as a result of the repeated defoliation operations. To do so, a comparison of known rates of application of 2,4,5–T in the United States and in Vietnam is in order. In this country, according to Dr. Tschirley, the average recommended application of 2,4,5–T in aerial spraying for woody-plant control is between three-quarters of a pound and a pound per acre. There are about five manufacturers of 2,4,5–T in this country, of which the Dow Chemical Company is one of the biggest. One of Dow Chemical's best-sellers in the 2,4,5–T line is Esteron 245 Concentrate, and the cautionary notes that a drum of Esteron bears on its label are hardly reassuring to oneone lulled by prior allegations that 2,4,5–T is a substance of low toxicity:

"Caution—may cause skin irriation, avoid contact with eyes, skin, and clothing keep out of the reach of children."

Under the word "warning" are a number of instructions concerning safe use of the material, and these include, presumably for good reason, the following admonition:

"Do not contaminate irrigation ditches or water used for domestic purposes."

Then comes a "notice":

"Seller makes no warranty of any kind, express or implied, concerning the use of this product. Buyer assumes all risk of use or handling, whether in accordance with directions or not."

The concentration of Esteron recommended—subject to all these warnings, cautions, and disclaimers—for aerial spraying in the United States varies with the type of vegetation to be sprayed, but probably a fair average would be three-quarters to one pound acid equivalent of the raw 2,4,5-T per acre. In Vietnam, however, the concentration of 2,4,5-T for each acre sprayed has been far higher. In Agent Orange, the concentrations of 2,4,5-T have averaged *thirteen times* the recommended concentrations used in the United States. The principal route through which quantities of 2,4,5-T might be expected to enter the human system in Vietnam is through drinking water, and in the areas sprayed most drinking water comes either from rainwater cisterns fed from house roofs or from very shallow wells. It has been calculated that, taking into account the average amount of 2,4,5-T in Agent Orange sprayed per acre in Vietnam by the military, and assuming a one-inch rainfall (which is quite common in South Vietnam) after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about 1.8 quarts) of contaminated water a day could very well be absorbing into her system a hundred and twenty milligrams, or about one two-hundred-and-fiftieth of an ounce, of 2,4,5-T a day; that is, a daily oral dosage of three milligrams of 2,4,5-T per kilo of body weight. Thus, if a Vietnamese woman who was exposed to Agent Orange was pregnant, she might very well be absorbing into her system a percentage of 2,4,5-T only slightly less than the percentage that deformed one out of every three fetuses of the pregnant experimental rats. To pursue further the question of exposure of Vietnamese to 2,4,5-T concentrations in relation to concentrations officially considered safe for Americans, an advisory subcommittee to the Secretary of the Interior, in setting up guide-lines for maximum safe contamination of surface water by pesticides and allied substances some time ago, recommended a concentration of one-tenth of a milligram of 2,4,5-T in one litre of drinking water as the maximum safe concentration. Thus, a pregnant Vietnamese woman who ingested a hundred and twenty milligrams of 2,4,5-T in two litres of water a day would be exposed to 2,4,5-T at six hundred times the concentration officially considered safe for Americans.

Moreover, the level of exposure of Vietnamese people in sprayed areas is not necessarily limited to the concentrations shown in Dr. Meselson's calculations. Sometimes the level may be far higher. Dr. Pfeiffer, the University of Montana biologist, says that when difficulties arise with the spray planes or the spray apparatus, or when other accidents occur, an entire thousand-gallon load of herbicidal agent containing 2,4,5-T may be dumped in one area by means of the thirty-second emergency-dumping procedure. Dr. Pfeiffer has recalled going along as an observer on a United States defoliation mission last March, over the Plain of Reeds area of Vietnam, near the Cambodian border, during which the technician at the spray controls was unable to get the apparatus to work, and thereupon dumped his whole load. "This rained down a dose of 2,4,5-T that must have been fantastically concentrated," Dr. Pfeiffer has said. "It was released on a very watery spot that looked like headwaters draining into the Mekong River, which hundreds of thousands of people use? In another instance, he has recalled, a pilot going over the area of the supposedly "friendly" Catholic refugee village of Ho Nai, near Bien Hoa, had serious engine trouble and dumped his whole spray load of herbicide on or near the village. In such instances, the concentration of 2,4,5-T dumped upon an inhabited area in Vietnam probably averaged about a hundred and thirty times the concentration recommended by 2,4,5-T manufacturers as both effective and safe for use in the United States.

Theoretically, the dangers inherent in the use of 2,4,5-T should have been removed by means of the steps promised in the White House announcement last October. A quick reading of the statement by Dr. DuBridge (who is also the executive secretary of the President's Environmental Quality Council) certainly seemed to convey the impression that from that day onward there would be a change in Department of Defense policy on the use of 2,4,5-T in Vietnam, just as there would be a change in the policies of the Departments of Agriculture and the Interior on the domestic use of 2,4,5-T. But did the White House mean what it certainly seemed to be saying about the future military use of 2,4,5-T in Vietnam? The White House statement was issued on October 29th. On October 30th, the Pentagon announced that no change would be made in the policy governing the military use of 2,4,5-T in South Vietnam, because—so the Washington *Post* reported on October 31st—"the Defense Department feels its present policy conforms to the new Presidential directive." The *Post* article went on:

"A Pentagon spokesman's explanation of the policy, read at a morning press briefing, differed markedly from the written version given reporters later.

"When the written statement was distributed, reporters were told not to use the spokesman's [previous] comment that the defoliant . . . is used against enemy 'training and regroupment centers.'

"The statement was expunged after a reporter asked how use against such centers conformed to the Defense Department's stated policy of prohibiting its use in 'populated areas.'"

But the statement wasn't so easily expunged. A short time later, it was made again, in essence, by Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, in testimony before a subcommittee of the House Foreign Affairs Committee, the only difference being that the phrase "training and regroupment centers" became "enemy base camps." And in testifying that the military was mounting herbicidal operations on alleged enemy base camps Rear Admiral Lemos said:

"We know . . . that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation,"

If one adds to the words "enemy base camps" the expunged words "training and regroupment centers"—centers that are unlikely to operate without an accompanying civilian population—what the Defense Department seems actually to be indicating is that the "areas remote from the population" against which the United States is conducting military herbicidal operations are "remote from the population" at least in part *because* of these operations.

As for the Bionetics findings on the teratogenic effects of 2,4,5–T on experimental animals, the Department of Defense indicated that it put little stock in the dangers suggested by the report. A reporter for the *Yale Daily News* who telephoned the Pentagon during the first week in December to inquire about the Defense Department's attitude toward its use of 2,4,5–T in the light of the Bionetics report was assured that "there is no cause for alarm about defoliants." A week or so later, he received a letter from the Directorate for Defense Information at the Pentagon which described the Bionetics results as based on "evidence that 2,4,5–T, when fed in large amounts to highly imbred and susceptible mice and rats, gave a higher incidence of birth defects than was normal for these animals." After reading this letter, the *Yale Daily News* reporter again telephoned the Pentagon, and asked, "Does [the Department of Defense] think defoliants could be affecting embryo growth in any way in Vietnam?" The Pentagon spokesman said, "No." And that was that. The experimental animals were highly susceptible; the civilian Vietnamese population, which even under "normal" circumstances is the victim of a statistically incalculable but clearly very high abortion and infant-mortality rate, was not.

Nearly a month after Dr. DuBridge's statement, another was issued, this one by the President himself, on United States policy on chemical and biological warfare. The President, noting that "biological weapons have massive, unpredictable, and potentially uncontrollable consequences" that might "impair the health of future generations," announced it as his decision that thenceforward "the United States shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare." Later, a White House spokesman, in answer to questions by reporters whether this included the use of herbicidal, defoliant, or crop-killing chemicals in Vietnam, made it clear that the new policy did not encompass herbicides.

Since the President's statement did specifically renounce "all other methods of biological warfare," the reasonable assumption is that the United States government does not consider herbicidal, defoliant, and crop-killing operations against military and civilian populations to be part of biological warfare. The question therefore remains: What does the United States government consider biological warfare to consist of? The best place to look for an authoritative definition is a work known as the Joint Chiefs of Staff Dictionary, an official publication that governs proper word usage within the military establishment. In the current edition of the Joint Chiefs of Staff Dictionary, "biological warfare" is defined as the "employment of living organisms, toxic biological products, and plant-growth regulators to produce death or casualties in man, animals, or plants or defense against such action." But the term "plant-growth

regulators" is nowhere defined in the Joint Chiefs of Staff Dictionary, and since a certain technical distinction might be made (by weed-control scientists, for example) between plant-growth regulators and defoliants, the question of whether the Joint Chiefs consider military defoliation operations part of biological warfare is left unclear. As for "defoliant agents," the Dictionary defines such an agent only as "a chemical which causes trees, shrubs, and the other plants to shed their leaves prematurely." All this is hardly a surprise to anyone familiar with the fast semantic legerdemain involved in all official statements on biological warfare, in which defoliation has the baffingly evanescent half-existence of a pea under a shell.

To find that pea in the official literature is not easy. But it is reasonable to assume that if the Department of Defense were to concede officially that "defoliant agents" were in the same category as "plant-growth regulators" that "produce death . . . in plants," it would thereby also be conceding that it is in fact engaging in the biological warfare that President Nixon has renounced. And such a concession seems to have been run to earth in the current edition of a Department of the Army publication entitled "Manual on Use of Herbicides for Military Purposes," in which "antiplant agents" are defined as "chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation," and goes on "These compounds include herbicides that kill or inhibit the growth of plants; plant-growth regulators that either regulate or inhibit plant growth, sometimes causing plant death. . . ." The admission that the Department of Defense is indeed engaging, through its defoliation and herbicidal operations in Vietnam, in biological warfare, as this is defined by the Joint Chiefs and as it has been formally renounced by the President, seems inescapable.

Since the DuBridge statement, allegations, apparently originating in part with the Dow Chemical Company, have been made to the effect that the 2,4,5-T used in the Bionetics study was unrepresentative of the 2,4,5-T generally produced in this country, in that it contained comparatively large amounts of a certain contaminant, which, according to the Dow people, is ordinarily present in 2,4,5-T only in trace quantities. Accordingly, it has been suggested that the real cause of the teratogenic effects of the 2,4,5-T used in the Bionetics study may not have been the 2,4,5-T itself but, rather, the contaminant in the sample used. The chemical name of the contaminant thus suspected by the Dow people is 2,3,6,7-tetrachlorodibenzo-*p*-dioxin, often referred to simply as dioxin. The 2,4,5-T used by Bionetics was obtained in 1965 from the Diamond Alkali Company, now known as the Diamond-Shamrock Company and no longer in the business of manufacturing 2,4,5-T. It appears that the presence of a dioxin contaminant in the process of manufacturing 2,4,5-T is a constant problem among all manufacturers. Three years ago, Dow was obliged to close down its 2,4,5-T plant in Midland, Michigan, for several months and partly rebuild it because of what Dow people variously described as "a problem" and "an accident." The problem—or accident—was that workers exposed to the dioxin contaminant during the process of manufacture came down with an acute skin irritation known as chlor-acne. The Dow people, who speak with considerable pride of their toxicological work ("We established our toxicology lab the year Ralph Nader was born," a Dow public-relations man said recently, showing, at any rate, that Dow is keenly aware of Nader and his career), say that the chlor-acne problem has long since been cleared up, and that the current level of the dioxin contaminant in Dow's 2,4,5-T is less than one part per million, as opposed to the dioxin level in the 2,4,5-T used in the Bionetics study, which is alleged to have been between fifteen and thirty parts per million. A scientist at the DuBridge office, which has become a coordinating agency for information having to do with the 2,4,5-T question, says that the 2,4,5-T used by Bionetics was "probably representative" of 2,4,5-T being used in this country—and presumably in Vietnam—at the time it was obtained but that considerably less of the contaminant is present in the 2,4,5-T now being produced. Evidently, the degree of dioxin contamination present in 2,4,5-T varies from manufacturer to manufacturer. What degree of contamination high or low, was present in the quantities of 2,4,5-T shipped to South Vietnam at various times this spokesman didn't seem to know.

The point about the dioxin contamination of 2,4,5-T is an extremely important one, because if the suspicions of the Dow people are correct and the cause of the fetus deformities cited in the Bionetics study is not the 2,4,5-T but the dioxin contaminant, then this contaminant may be among the most teratogenically powerful agents ever known. Dr. McLaughlin has calculated that if the dioxin present in the Bionetics 2,4,5-T was indeed responsible for the teratogenic effects on the experimental animals, it looks as though the contaminant would have to be at least ten thousand times more teratogenically active in rats than thalidomide was found to be in rabbits. Furthermore, it raises alarming questions about the prevalence of the dioxin material in our environment. It appears that under high heat the dioxin material can be produced in a whole class of chemical substances known as trichlorophenols and pentachlorophenols. These substances include components of certain fatty acids used in detergents and in animal feed.

As a consequence of studies that have been made of the deaths of millions of young chicks in this country after the chicks had eaten certain kinds of chicken feed, government scientists are now seriously speculating on the possibility that the deaths were at the end of a chain that began with the spraying of corn crops with 2,4,5-T. The hypothesis is that residues of dioxin present in the 2,4,5-T remained in the harvested corn and were concentrated into certain byproducts that were then sold to manufacturers of chicken feed, and that the dioxin became absorbed into the system of the young chicks. One particularly disquieting sign of the potential of the dioxin material is the fact that bio-assays made on chick embryos in another study revealed that all the embryos were killed by one twenty-millionth of a gram of dioxin per egg.

Perhaps an even more disquieting speculation about the dioxin is that 2,4,5-T may not be the only material in which it appears. Among the compounds that several experienced biologists and toxicologists suspect might contain or produce dioxin are the trichlorophenols and pentachlorophenols, which are rather widely present in the environment in various forms. For example, a number of the trichlorophenols and pentachlorophenols are used as slime-killing agents in paper-pulp manufacture, and are present in a wide range of consumer products, including adhesives, water-based and oil-based paints, varnishes and lacquers, and paper and paper coatings. They are used to prevent slime in pasteurizers and fungus on vats in breweries and are also used in hair shampoo. Along with the 2,4,5-T used in the Bionetics study, one trichlorophenol and one pentachlorophenol were tested without teratogenic results. But Dr. McLaughlin points out that since there are many such compounds put out by various companies, these particular samples might turn out to be—by the reasoning of the allegation that the 2,4,5-T used by Bionetics was unusually dirty—unusually clean.

Dr. McLaughlin tends to consider significant, in view of the now known extreme toxicity and possible extreme teratogenicity of dioxin, the existence of even very small amounts of the trichlorophenols and pentachlorophenols in food wrappings and other consumers products. Since the production of dioxin apears to be associated with high-temperature conditions, a question arises whether these thermal condtions are met at *any* stage of production or subsequent use or disposal of such materials, even in minute amounts. One of the problems here seems to be, as Dr. Epstein has put it, "The moment you introduce something into the environment it's likely to be burned sooner or later—that's the way we get rid of nearly everything." And most of these consumer products may wind up in municipal incinerators, and when they are burned, the thermal and other conditions for creating dioxin materials may quite possibly be met. If so, this could mean a release of dioxin material itno the entire environment through the atmosphere.

Yet so far the dioxin material now suspected of causing the fetus-deforming effects in experimental animals has never been put through any formal teratological tests by any company or any government agency. If the speculation over the connection between dioxin in 2,4,5-T and the deaths of millions of baby chicks is borne out, it might mean that, quite contrary to the assumptions made up to now that 2,4,5-T is rapidly decomposable in soil, the dioxin material may be extremely persistent as well as extremely deadly.

So far, nobody knows—and it is probable that nobody will know for some time—whether the fetus deformities in the Bionetics study were caused by the 2,4,5-T itself, by the dioxin contaminant, or by some other substance or substances present in the 2,4,5-T, or whether human fetuses react to 2,4,5-T in the same way as the fetuses of the experimental animals in the Bionetics study. However, the experience so far with the employment of 2,4,5-T and substances chemically allied to it ought to be instructive. The history of 2,4,5-T is related to preparations for biological warfare, although nobody in the United States government seems to want to admit this, and it has wound up being used for purposes of biological warfare, although nobody in the United States government seems to want to admit *this*, either. Since 2,4,5-T was developed, the United States government has allowed it to be used on a very large scale on our own fields and countryside without adequate tests of its effects. In South Vietnam—a nation we are attempting to save—for seven full years the American military has sprayed or dumped this biological-warfare material on the countryside, on villages, and on South Vietnamese men and women in staggering amounts. In that time, the military has sprayed or dumped on Vietnam *fifty thousand* tons of heribicide, of which twenty thousand tons have apparently been straight 2,4,5-T. In addition, the American military has apparently made incursions into a neutral country, Cambodia, and rained down on an area inhabited by thirty thousand civilians a vast quantity of 2,4,5-T. Yet in the quarter of a century since the Department of Defense first developed the biological-warfare uses of this material it has not completed a single series of formal teratological tests on pregnant animals to determine whether it has an effect on their unborn offspring.

Similarly, officials of the Dow Chemical Company, one of the largest producers of 2,4,5-T, although they refuse to divulge how much 2,4,5-T they are and have been producing, admit that in all the years that they had produced the chemical before the DuBridge statement they had never made formal teratological tests on their 2,4,5-T, which they are now doing. The Monsanto Chemical Company, another big producer,

had, as far as is known, never made such tests, either, nor, according to an official in the White House, had any other manufacturer. The Department of Agriculture has never required any such tests from manufacturers. The Food and Drug Administration has never required any such tests from manufacturers. The first tests to determine the teratogenic efforts of 2,4,5-T were not made until the National Institutes of Health contracted for them with Bionetics Laboratories. And even then, when the adverse results of the tests became apparent, it was, as Dr. Epstein said, like "pulling teeth" to get the data out of the institutions involved. And when the data were obtained and the White House was obliged, partly by outside pressure and publicity, to act, the President's science adviser publicly presented the facts in a less than candid manner, while the Department of Defense, for all practical purposes, ignored the whole business and announced its intention of going on doing what it had been doing all along.

There have been a number of reports from Vietnam both of animal abortions and of malformed human babies that are thought to have resulted from spraying operations in which 2,4,5-T was used. But such scattered reports, however well founded, cannot really shed much more light on the situation. The fact is that even in this country, the best-fed, richest, and certainly most statistics-minded of all countries on earth, the standards for testing materials that are put into the environment, into drugs, and into the human diet are grossly inadequate. The screening system is so coarse that, as a teratology panel of the Mrak Commission warned recently, in connection with thalidomide, "the teratogenicity of thalidomide might have been missed had it not produced malformations rarely encountered." In other words, had it not been for the fact that very unusual and particularly terrible malformations appeared in an obvious pattern—for example, similarly malformed babies in the same hospital at about the same time—pregnant women might still be using thalidomide, and lesser deformations would, so to speak, disappear into the general statistical background. As for more subtle effects, such as brain damage and damage to the central-nervous system, they would probably never show up as such at all. If such risks existed under orderly, normal medical conditions in a highly developed country, how is one ever to measure the harm that might be done to unborn children in rural Vietnam, in the midst of the malnutrition, the disease, the trauma, the poverty, and the general shambles of war?

EXHIBIT 3

LAOS 1: NEW ROUND IN A POCKET WAR

(By Henry Kamm)

VIENTIANE, LAOS.—Last September the Government forces in this divided country scored an unexpected spectacular military success: They drove the North Vietnamese invaders and their feeble local client, the Pathet Lao, from the Plaine des Jarres, a strategic region in the mountainous north that had been held by the Communists since 1964.

The mood in Vientiane then was one of elation, the more so since the surprise victory followed a Communist dry-season offensive that had moved the Communists further westward than they had been in previous campaigns. The war in Laos has followed a pattern of North Vienamese advances during the dry season, to be abandoned when the summer rains make supply and support of the troops impossible.

But even in their elation, Laotian officials and the Americans, whose aerial bombing and logistic support and tactical counsel are the sine qua non of resistance to the invasion, said that no doubt the territorial gains of the summer would be erased when the Communists returned to the offensive early in 1970.

This is what happened in the last two weeks. The Government forces, following American counsel not to put up a great struggle, withdrew from the plain as the Communist offensive got rolling. They withdrew with minimal losses and in reasonable order. Thus, the situation in Laos last week was back to where it was last summer, with the Communists in command of the plain that controls the country's major roadways.

The Communist forces were said to be consolidating their gains. They have retaken positions they held last June, and they have two or three more months of favorable weather for what ever military action they may decide to take.

But they have also to contend with the fact that in their hasty retreat from the Plaine des Jarres last September they left behind great stocks of supplies spread in caches throughout the plain that sustained their operations. These supplies were lost, and the plain has to be restocked under heavy American bombardment of their main route of supply.

Reports, not denied by the United States, have circulated of the use of the big B–52 bombers on two occasions. The American bomber, which has been used to pound the Ho Chi Minh trail in eastern Laos bordering South Vietnam, had not previously been committed in northern Laos.

NOT CRITICAL

The situation, in the view of Laotian and American military sources as well as uninvolved experts, is difficult, as it is every year at this time, but not critical. And yet, the United States and other countries of the West show signs of alarm, and speak of the likelihood of American escalation and the possibility of the commitment of American ground troops. Reporters from all over the world flock here to discuss around the swimming pool of the Lane Xang Hotel the sometimes conflicting briefing of meager military action by Laotian and American officials. Meanwhile, the Laotian Chief of Staff went to a royal wedding in Nepal this weekend and the people of Vientiane yawn and complain that the hot season seems to be early this year.

Viewed from Vientiane, the excitement seems overblown and the result of a long and angry debate focused on a false issue. No serious observer here believes that the North Vietnamese will go far enough to raise the issue of a commitment of American ground forces—or that America could do in Laos what she is being pressed to undo in Vietnam.

HEAVY BOMBING

The United States is countering the North Vietnamese invasion of Laos, a violation of the Geneva Accords of 1962, with heavy bombing and a dominant position in equipping and counseling the Government forces, regular and clandestine—equally in violation of the 1962 agreement. The United States feels that since North Vietnam does not admit its invasion, it would give Hanoi a negotiating advantage in conceding the American riposte.

The controversy engendered in the American Congress and press by this policy of secrecy is regarded by independent observers here as stemming from two causes: concern over so obvious a departure from the American tradition of informing the public on what the Government is doing, and fear that the secrecy cloaks developments which may be drawing the United States into another Vietnam. This fear, however, in the opinion of knowledgeable sources here, is based on an exaggerated view of North Vietnam's objectives in Laos.

The North Vietnamese, as these analysts see the situation, have shown no indication that their aim in Laos, as distinct from South Vietnam, is to take over a country. Their aim is thought to be twofold:

It southern Laos, Hanoi's objective is to control the region of the Ho Chi Mins trail, the vital lifeline from North Vietnam to its forces and the Vietcong in South Vietnam. The Government of Premier Souvanna Phouma recognizes this goal and has said it will not interfere with this aspect of the war in Vietnam.

PLAN IN NORTH

In northern Laos, Hanoi seeks to maintain sufficient pressure in support of the Pethet Loa to prevent the power vacuum of this feeble and uncohesive country from being filled by an anti-Communist government In conversation with friendly diplomats, North Vietnamese officials have emphasized that they will never accept a Laotian government they cannot trust.

How far Hanoi's aims will eventually reach, no one professes to know. But serious observers are convinced that while North Vietnam remains at war with America and the South, it will not challenge the world with open take-over of a neighbor that offers it no advantages and is difficult to occupy. The belief here is that the North Vietnamese offensive will end with limited gains and will lead to no significant escalation by either side.

The pity of the argument centering on the chance of escalation, in the eyes of observers whose principal concern is the people of Laos, is that it beclouds the tragic fact that the present level of hostilities is enough to have killed, maimed or made into constantly shuffling homeless as much as a third of a population estimated at three million.

[From the Columbus Citizen-Journal, Feb. 27, 1970]

THE HIDDEN WAR IN LAOS

(By James Reston)

WASHINGTON.—In his definitive foreign policy speech of last Nov. 3, President Nixon said: "I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

Well, you can say that again about Nixon and his policy in Laos. He has withheld the truth about important United States military operations in that country. As he is deescalating the war in Vietnam and claiming a lot of credit for it, he is escalating the war in Laos and refusing to release the facts about it.

The result is that the President, and the United States Senate, are now arguing about U.S. military actions well known to the enemy in Laos, but officially withheld from the American people. In fact, State and Defense Department officials have testified in executive session about what our "advisers" and airmen are doing there, but they have claimed executive privilege on this testimony, and have refused to release it to the public.

All the Nixon Administration has conceded publicly is that it has certain "advisers" in Laos and has authorized high-level bombing of part of the enemy's supply trail that runs from North Vietnam through Laos into South Vietnam.

In addition to these high-level bombing raids, however, U.S. airmen have been flying fighter support missions for the Laotian army in the Plaine des Jarres and even closer to the North Vietnamese and Chinese borders, training the Meo mountain tribesmen to fight the North Vietnamese and the Laotian Communists, and according to some senators, concealing the identity of the American military assistance by transfer-

ring regular armed services personnel to the Central Intelligence Agency, and assigning military supply missions to nonmilitary U.S. private airline carriers.

It should be noted that a great deal of information about U.S. military action there has been printed. The main issue is not so much about the facts, but about the right of the Administration to try to conceal the facts, and to suppress the facts even after its own officials have confirmed them in private congressional committee hearings.

Here, for example, is an exchange between Sen. Barry Goldwater of Arizona and Sen. Stuart Symington of Missouri in the Senate on Feb. 25:

"GOLDWATER. Does the senator mean that the United States has troops in combat in Laos?

"SYMINGTON. It depends on a definition.

"GOLDWATER. I mean Americans engaged in fighting on the ground.

"SYMINGTON. I am not in a position to answer any questions . . . in open session at this time . . . because the transcript has not been released as yet on any meaningful basis.

"GOLDWATER. The reason I ask is that it has not been any secret that we have been flying fighter support missions in support of the Laotian army up on the Plaine des Jarres. The senator, I know, has known about that for a long time. If the information is classified, I will not press the point."

The point of this exchange is that the information about U.S. fighter support was in fact put on a "secret" basis so far as the Administration was concerned. Symington, of course, knew it was a fact but was not free to discuss it until Goldwater blurted out the truth.

There was another sharp debate in the executive meeting of the Senate Foreign Relations Committee Thursday over this same issue of what information senators have the right to request and what information the executive branch has the right to withhold. During a private interrogation of William J. Porter, who has been nominated as Nixon's ambassador in Korea, Chairman J. William Fulbright asked about the implications of deploying U.S. nuclear weapons in that part of the world.

Porter replied that he had been instructed not to discuss this question even with members of the Foreign Relations Committee in secret session. Fulbright observed that in 25 years he had never had such a reply during a confirmation hearing and demanded to know who had so instructed the ambassador. All Porter would say was that he had been instructed "on higher authority." This was something new, the chairman observed: "Was the ambassador taking the Fifth Amendment?"

What is happening, in short, is precisely what Nixon himself warned against in his Nov. 3 speech. Members of the Senate are losing confidence in what the Government is telling them about Laos, members of the press on the scene are being condemned for reporting what they see, and the President and the Foreign Relations Committee are getting into a nasty confrontation over the constitutional question of what information can be withheld, released, or suppressed.

"The American people cannot and should not be asked to support a policy which involves the over-riding issues of war and peace," the President said, "unless they know the truth about that policy." Maybe they should not, but they are in Laos, and the President knows it.

[From the Washington (D.C.) Evening Star, Feb. 25, 1970]

TWO VIET DEPUTIES "GUILTY"; ONE APPEALS TO NIXON

(By Donald Kirk)

SAIGON.—A military court today officially ended the case of two National Assembly deputies accused of aiding the Communists by sentencing one to death and the other to 20 years in prison.

It was clear immediately after the five-man court passed the sentence, however, that the politically combustible case was far from over.

One of the deputies, Tran Ngoc Chau, appealed to President Nixon to intercede and promptly began what turned out to be a day-long press conference in his office in the assembly building. He challenged police to "come and get me."

U.S. CASUALTIES CITED

Chau was sentenced to 20 years in prison, for secret contacts with his brother, now serving a life sentence for his activities as a Communist intelligence officer.

Chau said police would have to "capture me with bayonets and other weapons and beat me until I'm unconscious" before he would leave the assembly building.

(Chau, 46, said he sent a plea by cable to President Nixon to intercede in behalf of himself and other Vietnamese politicians, in jail, the Associated Press reported.)

("For these liberties you take for granted, 40,000 of your sons and over 200,000 of our sons have died," he told Nixon. "Let not their sacrifices be in vain.")

Only a single guard watched outside the assembly, an old French-built opera house in the center of Saigon, while Chau, dressed in a blue short-sleevd shirt and black tie, talked to reporters in the office of the deputy speaker.

Police were forbidden by law from arresting him inside the building without an order from the speaker of the House.

Although police eventually might capture Chau, it appeared unlikely the government would ever be able to carry out its sentence against the other deputy, Hunyh Van Tu, generally known by the alias of Hoang Ho, who was sentenced to death.

Ho's wife explained her husband had left a note in his house saying he was "going abroad to a free country." Ho was convicted of treason on charges of having given classified information to a senior Communist leader and having formed the "Association of Patriotic Newspapermen," a Communist front.

The entire case amounted to a test of power for the government of President Nguyen Van Thieu, who insisted on prosecuting the charges against the wishes of the American Embassy and opposition politicians, many of them afraid to voice their feelings.

OBJECTIONS IN PRIVATE

The reason American officials objected—in private, never publicly—was that Chau had provided information to American agents while serving several years ago as chief of the Upper Delta province of Kien Hoa, still heavily influenced by local Viet Cong guerrillas despite gains in the past year in the allied pacification program.

The indictment said that Chau had informed American agents—probably representatives of the Central Intelligence Agency—of meetings with his brother, Capt. Tran Ngoc Hien, but had never told his South Vietnamese superiors.

In interviews with reporters in his home here, Chau has charged both U.S. officials and Thieu "betrayed" him by not blocking the government's case. "I am no Communist, I am a genuine nationalist fighting for the cause," Chau reiterated today after the 20-minute trial.

Besides reflecting on American-Vietnamese relations, the case symbolized the question of the power of the executive branch of the government here as opposed to the National Assembly. The accused deputies were immunte from prosecution under the Constitution until 102 deputies signed a petition waiving that immunity.

Chau claimed some of the deputies were "bribed," said he would appeal to such organizations as the International Parliamentary Union, the International Human Rights Commission and the International Association of Lawyers.

At the bottom of the government's distaste for Chau and Hoang Ho is that both of them appear sympathetic with moves for compromise to end the war. Thieu has repeatedly indicated his government will resist a coalition and fight to the end.

Chau made clear today his views had not changed. He urged Thieu to "cooperate with opposition leaders, reconcile with Buddhists, build a genuine nationalist force capable of extricating South Vietnam from the clutches of the Communists and heavy dependence on foreign countries."

VIEWED AS NEUTRALISM

This statement might not appear pro-Communist in itself but government officials view it as an appeal for a "neutral" foreign policy. They believe neutrality would play into the hands of the Communists, who also call for a "neutral" position.

The case of Chau follows a series of widely publicized government efforts at stifling neutralist opposition and preventing contacts with the enemy.

A military court late last year sentenced four former government officials, among others, for having masterminded a Communist spy ring.

Chau's brother also figured in the arrest and conviction last year of Nguyen, Lau, editor of the Saigon Daily News, an English language newspaper shut down by the government.

Lau was accused of providing Chau's brother with press credentials and introducing him to contacts in Saigon from whom he hoped to obtain intelligence secrets.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senate will now proceed to the transaction of routine morning business, in which statements of Senators will be limited to 3 minutes.

Mr. FULBRIGHT. Mr. President, before the morning hour starts, I ask unanimous consent that the time of the Senator from South Dakota be extended for a minute or two, so that I may make a comment.

Mr. SYMINGTON. Mr. President, reserving the right to object, I ask unanimous consent that the time be extended 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from South Dakota is recognized for 5 additional minutes, in continuation of his previous order.

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

Mr. McCLELLAN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I compliment the Senator on a very thoughtful speech. I agree with practically everything the Senator has said.

With particular reference to the question of the information which the Senate has and the participation of the Senate in decisions for proceeding in Laos, of course, I have a very special interest, as I know the Senator from Missouri has. The Senator from Missouri is on the floor and, of course, will speak for himself about the difficulties his subcommittee has had in obtaining the release of the hearings which have been held about Laos.

I only wish to say to the Senator that I think he has made a great contribution, and as far as I am concerned, I

am very anxious to follow on with this, with the information from the subcommittee of the Senator from Missouri, and also additional information, I would hope, and additional advice, from the administration itself. I shall request this week, or as soon as I can, that we have further consultations with the administration preparatory to a discussion of this matter on the Senate floor. Unless this material is made available, I do not see any alternative to a secret session of the Senate.

I would be interested, myself, in seeing the Senate discuss this matter in secret session, because it is of such importance that it ought to be discussed.

Mr. McGOVERN. I think the Senator has considered that matter for some time. He mentioned it to me the other day.

Mr. FULBRIGHT. I have. I have the feeling that we are at one of those periods not unlike the period in August of 1964, and later the follow-on period in February of 1965, in which we got involved in Vietnam. At that time the maneuvering of the administration was such that, because of my lack of foresight and that of others—because no one foresaw it—we did not have a proper discussion of what was involved.

I shall do everything I can, in cooperation with the Senator from South Dakota, the Senator from Missouri, and others, and the leadership of the Senate, to see that this time, whatever the result may be, it will be discussed by the Senate, and that the Senate, and I would hope the country, is informed of what is involved. If, then, they make a decision to go down that road, that is their privilege, but we should never again permit a decision of that kind to be made without knowing what is involved, under a misapprehension or false information as to what is involved.

I commend the Senator from South Dakota on a very significant speech.

Mr. McGOVERN. I thank the Senator. I think he and the Senator from Missouri (Mr. SYMINGTON) know more about this problem than the rest of us do, and that they, in consultation with other Senators, are the ones who should make the judgment as to whether it would be useful to request a secret session.

I do not feel that I am in as good a position to make that judgment as the Senator from Arkansas and the Senator from Missouri, but I know some of the things that must be on their minds, and I would hope, if we cannot obtain release of the material that Senator SYMINGTON's subcommittee has complied, that at least the other Members of the Senate will have the opportunity to discuss it in a closed session, and then make some judgment about what other steps should be taken.

Mr. FULBRIGHT. One last word. The Senator from Missouri has done an outstanding job in the conduct of the hearings of the subcommittee. He has an excellent staff, and has given countless hours to the hearings on that matter. It would be a great tragedy if those hearings are not made public and the Senator from Missouri is not given the opportunity, in the Senate, and I would hope in a public session of the Senate, to go into this matter.

Mr. McGOVERN. I could not agree more. I think what the Senator from Missouri has been doing may turn out to be one of the most important investigations ever conducted in the history of the Senate.

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

Mr. McGOVERN. I yield.

Mr. SYMINGTON. First, I thank both the distinguished Senator from South Dakota and the able chairman of the Committee on Foreign Relations for their kind remarks.

Let me at this time commend the majority leader for his talk on Laos yesterday, which I did not have the privilege of hearing but read in the RECORD this morning, and I also commend the distinguished Senator from South Dakota for his outstanding presentation today of this Laotian problem.

Our subcommittee effort started largely as the result of Senators on the other side of the aisle bringing up the importance of tailoring our military establishment, justifying its size, to our commitments.

As a result, I went to the able chairman, the Senator from Arkansas, presented the problem, and he agreed an investigation of foreign commitments would make sense. So for over a year we have been trying to find out what are our commitments, what is the truth, the importance of which the Senator from South Dakota pointed out so well this afternoon.

I must add, in all sincerity, that we have had excellent support from the Department of Defense in attempting to find this truth. Where we have run into trouble is with the Department of State. For some reason, that Department apparently does not want to bother with the Senate Foreign Relations Committee. I have come to this conclusion after serving on many other Senate committees, and think it not only a denigration of the Committee of Foreign Relations and all its members, but also of the Senate itself. I have never seen anything like this before in all my years in Government.

Inasmuch as the Committee on Foreign Relations is one of the great committees of the Senate, it obviously shows some form of contempt for the Senate. We do not get answers to our letters for many weeks. We completed these Laos hearings over 4 months ago; and to date have gotten nowhere from the standpoint of a meaningful release of their contents. I have an article here, which I ask unanimous consent to have printed in the RECORD at the end of my remarks. It is entitled "Laos: What United States Is Doing," written by George Sherman, and published in the Washington Sunday Star of March 1, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The PRESIDING OFFICER. The time of the Senator from South Dakota has again expired.

Mr. SYMINGTON. I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. This article by Mr. Sherman has in it much information that in our hearings has been tightly classified by the Department of State. It was obviously given to this reporter by someone in the executive branch. In addition, considering that 4 long months have gone by, it has events in it which we were not told in executive session, no doubt because they had not happened at the time we had our hearings.

I have been to Laos many times. Some of the things I was told we were told later in the hearings; but other activities we were told about in the hearings I was not told about out there, even though I am a member of both the Armed Services Committee and the Foreign Relations Committee, and went into Laos on that basis. It was information kept from me in Laos, just as it is being kept from the American people today.

This matter has nothing to do with politics. It is simply a question as to whether or not the Senate of the United States, under the "advice and consent" clause, does or does not have anything to do with foreign policy.

If it does, then the way the State Department has operated has been effective in blocking the truth from other Members of the Senate and the American people; information by the people in just about all the other countries of the world. I am sure that the distinguished Senator from Arkansas will agree to that, because we constantly get accurate information from newspapers in Hong Kong, in Paris, in London, in Bangkok, and so forth. One can only wonder why the Government of the United States has refused over a period of years to give us the truth with respect to Laos.

I am surprised that apparently the new administration not only does not want to renounce the obvious Laotian errors that were made in the past, but now seems to want to embrace them and carry them on.

I might add that this is not a question of what the subcommittee can or cannot release. It is being released in bits and pieces by the executive branch; at the same time they deny us the right to release it through the Foreign Relations Committee.

One final point: the Senator brought up in his talk the importance of the Geneva accords. There is only one possible reason we can continue to violate those accords. It is not a violation of security to say that the reason given us in committee is that we violated the Geneva accords because the North Vietnamese first violated those accords.

If that is the reason why we are in Laos, then why is it so important to keep it all so secret? It is the only reason we can justify killing the enemy up there, and also some of the civilian population, through bombing, way up in North Laos, closer to the Chinese border than the Ho Chi Minh Trails. It is the only way we can justify to the American people why we think it is necessary, in the interest of the security of the United States, to have their sons killed in action in Laos.

Mr. McGOVERN. As a practical matter, does not the Senator think it is important for us to remember that countries other than North Vietnam and the United States signed the Geneva Accords, and that the rest of the countries are generally abiding by it? Is there any evidence that Britain or France or Poland or even Russia or China are heavily involved in Laos?

Mr. SYMINGTON. No, I do not think there is any such evidence.

Mr. McGOVERN. So that we have some responsibility to the other countries. It is not just a matter, is it, of trying to gear our conduct according to what the North Vietnamese do? We are a member of the family of nations and presumably ought to be concerned about how our word is evaluated in other countries, especially those with which we jointly signed the Geneva settlement of 1962.

Mr. SYMINGTON. Mr. President, I close by again commending the distinguished Senator from South Dakota for, as he has done before, urging that the American people now be cut in on this war we are waging in Laos. The people have the right to know.

Mr. McGOVERN. I thank the Senator for his kind words.

EXHIBIT 1

[From the Washington Sunday Star, Mar. 1, 1970]

LAOS: WHAT THE UNITED STATES IS DOING

(By George Sherman)

Washington sources revealed yesterday more details on the United States' involvement in the secret war in Laos and its direct tie to the war in Vietnam.

According to these sources, upwards of 200 combat sorties a day are being flown by U.S.-marked planes against North Vietnamese armed forces which have overrun the Plain of Jars and threaten the military and political balance in Laos.

More than 200 other air missions are flown against the Ho Chi Minh infiltration trail farther south through the 125-mile jungle panhandle of Laos from North to South Vietnam. In all, there are from 400 to 500 sorties of U.S. Air Force planes over Laos every day.

According to these sources, U.S. B52s flew missions for two successive days over the Plain of Jars, "around" Feb. 17 and 18. The raids, which have provoked charges in the Senate of escalating U.S. involvement in Laos, were approved directly by President Nixon, the sources say.

They also say that the attacks did not accomplish their purpose—stopping the drive of parts of two North Vietnamese divisions of nearly 16,000 men—across the Plain of Jars. The claim is that the political decision to use the strategic bombers was delayed too long in Washington, despite advance warning of North Vietnamese moves.

Also, the sources say, by the time the U.S. commander in Vietnam, Gen. Creighton W. Abrams, ordered the B52 raids, the North Vietnamese forces "grouped" in the rolling Plain of Jars had vacated their sites. Abrams is said to give priority to B52 raids against enemy concentrations in South Vietnam and truck convoys along the Ho Chi Minh trail, since they are more directly related to American ground fighting—and lives—in the South.

According to the sources, the U.S. ambassador in Laos, G. Murtrie Godley, asked for as many sorties as possible—not just B52 raids—when it was clear early this month that the North Vietnamese were massing for a major offensive. The request went to Abrams, who relayed it to Hawaii to Adm. John S. McCain, commander of U.S. Forces in the Pacific, and from there to Secretary of Defense Melvin S. Laird and the President.

Under the presidential decision, the B52 raids were limited in scope and time. There was not the saturation bombing many observers predicted when U.S. aircraft, working with the Laotian government, evacuated 18,000 persons from the Plain of Jars early in February.

Also in the present scheme B52 raids in the Plain of Jars—which have never been officially announced—must be ordered directly by Washington. Decisions on raids along the Ho Chi Minh trail against highly selected targets, and in South Vietnam, are left to Abrams.

TRIBESMEN FLY

The present rate of 200 sorties a day around the Plain of Jars represents a jump from 30 a day at the beginning of the enemy offensive, the sources say. The raids are usually conducted with a Meo tribesman riding behind the pilot to point out enemy caves.

According to the sources, there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail.

Sources here say the plan is to work out a more flexible plan for rationing the use of air power—the strategic B52s and tactical planes—between Laos and South Vietnam. The matter of priorities and coordination is believed to have been high on the agenda of a series of top-secret conferences in Saigon Thursday and Friday.

The top military men and diplomats dealing mith Southeast Asia—U.S. ambassador to South Vietnam Ellsworth Bunker, U.S. ambassador to Thailand Leonard Unger, as well as McCain, Abrams and Godley—were there.

Sources here and reports of the meetings from Saigon confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam. Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.

MOVE TO SOUTH

The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.

There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government "neutralist" forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.

The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

EFFORT DOUBLED

At the moment, these sources say Hanoi is already mounting a massive new supply effort along the Ho Chi Minh trail—even with heavy U.S. air raids. It is double what it was last year at this time, the sources said, and may be preliminary to another big enemy offensive.

The amount of supplies being moved south has gone straight up since the dry season began in October and is expected to continue to climb until the May rains come.

According to these sources, the North Vietnamese put into the trail, at the northern entrance in the Mu Gia Pass, an average of 700 trucks a week during the first three weeks of February. An average of 350 a week—each carrying 4 tons of supplies—was able to reach the southern terminal in the Ashau Valley. In the week ending Feb. 17 American planes are reported to have taken out 495 trucks—90 percent of them at night. But 442 trucks still got through that same week.

The North Vietnamese maintain special logistic and antiaircraft forces along the trail—in addition to the estimated 65,000 combined fighting and supply forces conducting the campaign in the north. They have tried to establish some Soviet-made ground-to-air missiles, but the jungle terrain makes these SAM weapons difficult to operate.

Nevertheless, officials say, American plane losses over the Ho Chi Minh trail reached the point in mid-February where sorties had to be turned away from truck convoys and against antiaircraft installations for three days one week. In November, American plane losses were 18, in December 16, in January 15 and in February 14.

The American bombing has been so successful, it is claimed, that Soviet trucks have become a leading import for the war effort into Hanoi.

According to these sources, the Soviet Union is sending 160,000 tons—about 30 shiploads—of supplies and equipment a month into Haiphong harbor.

They say that 75 percent of all North Vietnamese military imports—including those from China and the Soviet Union—come by sea, 25 percent by land over the railroad from China, but that no major Soviet items are sent by land because of Chinese pilferage in transit.

The major problem facing the Nixon administration is how to counter this coordinated drive in Laos and South Vietnam without becoming "over involved."

Sources note that the limited use of air power in Laos on the Ho Chi Minh Trail—admitted by the President—is the first test of the "Nixon doctrine" for lessening American involvement in Asian wars.

Secretary of Defense Melvin R. Laird repeated on Thursday the President's claim that no American ground forces are in Laos He insisted that there had been no change of policy, that all efforts in Laos still were to protect the American position in Vietnam.

But his definition was broad enough, observers noted, to allow for use of American air power in other places than the Ho Chi Minh Trail. The sources have now provided details of operations farther north.

The planes all carry U.S. Air Force markings, the sources say, since they have been requested officially by the Laotian government.

FIVE UNITS USED

The sorties around the Plain of Jars are flown mainly by T28 jet fighter-trainers, F4 Phantom supersonic jet fighter-bombers and F105 Thunderchief jet fighter-bombers based at five sites in neighborhood Thailand—Udorn, Takhli, Nakhon Phantom, Ubon and Korat air bases.

Five wings—375 aircraft—are stationed at the five bases, one to a base, and all five are concentrating on the two "wars" in Laos.

Part of another F4 wing, stationed near Danang in South Vietnam, is also engaged in the Laotian operations, the source say.

In addition big AC47 gunships—with guns sticking out of their bellies and sides—are used to interdict trucks and men moving toward South Vietnam.

The problem to be resolved, sources claim, is whether the United States can frustrate

North Vietnamese advances in the North and along the Ho Chi Minh Trail. It was frankly admitted that the real stumbling block is the unwillingness—or inability—of the Laotians, including the Meo tribesmen to fight off the North Vietnamese.

The claim heard here is that saturation bombing by B52s and lesser bombers could stop the North Vietnamese drive in the North especially along the main road in Laos.

But because of political considerations—the uproar of critics and fear of escalating the Vietnam war—Nixon has so far kept the bombing limited and has forbidden bombing near the North Vietnamese border in the North.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the transaction of morning business in which Senators' remarks will be limited to 3 minutes.

Mr. FULBRIGHT. Mr. President, I did not anticipate that the Senator from South Dakota was going to speak, and I have some comments on the same subject which I wish to make at this time.

WHAT IS THE NATIONAL INTEREST OF THE UNITED STATES IN LAOS?

Mr. FULBRIGHT. Mr. President, the time has come to take a close hard look at what is the real, the genuine national interest of the United States in Laos.

Although the administration refuses to admit it, reliable press reports indicate that the military involvement of the United States in that remote kingdom is growing by the day. The Government of the United States may soon have to decide whether to go all the way in Laos—that is, to make it another Vietnam—or to get out.

Senators will note that I said "the Government of the United States" may have to decide this. The Government includes Congress as well as the President, and I, for one, am not going to accept a decision in which Congress does not play its proper constitutional role. In view of our tragic experience in Vietnam, I do not think Congress and the people will accept it either. Congress can play its proper role only if it can debate—in public—the nature and extent of the present U.S. involvement in Laos. If the American people are going to be asked to entangle themselves in another Asian quagmire, they are entitled, at a minimum, to know the truth about how and why they got there. I, therefore, again call upon the administration to declassify the hearings which were held on Laos last October by the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Foreign Relations Committee headed by the distinguished Senator from Missouri (Mr. SYMINGTON).

But there is a more fundamental question even than what we are now doing in Laos. That question is: How important in Laos to the national security of the United States and to the peace and well-being of the American people? This is the crucial, the all-important issue upon which all other decisions are dependent.

It would be difficult to make a case that Laos has any intrinsic importance to the United States. It has an area of 89,000 square miles, a little larger than the State of Utah, and a population of 2.5 million, approximately equal to metropolitan Washington. It has no significant natural resources. Its total gross national product is scarcely more than Montgomery County, Md., spends on its public schools. The Lao people by all accounts are peaceful, gentle souls. The 1954 edition of the Encyclopedia Americana devotes less than one column to the country.

The importance of Laos to the United States, if any, stems not from the country itself but rather from its geographical location and its relationship to the rest of Southeast Asia and especially to Vietnam.

A most illuminating article on this point, as well as upon the policy of Vietnamization, was published in the Washington Star March 1 under the byline of Mr. George Sherman. I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. The article is based on interviews with the usual anonymous sources—who we can be sure are administration officials willing to present a one-sided case in private rather than the full facts in public. These sources, according to the article, "confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam." Further, these sources say, "there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail." The article then goes on:

> Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.
>
> The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.
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> The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

There are several interesting points about this anonymous revelation of what we can safely assume is the administration view.

For the first time, American bombing of the Plain of Jars is explicitly related to American bombing of the Ho Chi Minh Trail, but in a most curious way. On the one hand, we are told that bombing in the north—which, be it noted, did not prevent a Communist takeover of the Plain of Jars—has already diverted planes from attacks on the Ho Chi Minh Trail. On the other hand, we are told that if we do not prevent a Communist victory in the north—presumably by more bombing—then we will have to stop bombing the trail anyway.

Finally, we are told that if American air strikes against the Ho Chi Minh Trail are indeed stopped, either through diversion to the north or as a consequence of Communist pressure on Souvanna Phouma, then all hope of Vietnamization will be destroyed. This confirms a suspicion many of us have had about the fragility of the policy of Vietnamization. How can you say you are Vietnamizing the war in Vietnam when the success of this effort is totally dependent on indefinite continuation of massive air attacks on the Ho Chi Minh Trail?

Aside from Vietnam, Laos is said to be important to the United States because it borders on Thailand. If Laos goes Communist, so runs this argument, then Thailand can be expected to go next—and then Burma and Cambodia and Malaysia, and so on. This is the domino theory which even Dean Rusk once privately admitted to the Senate Foreign Relations Committee that he did not believe in.

More ominous, perhaps, is the possibility that a Communist victory in Laos would trigger the United States-Thai contingency plan which Secretary of Defense Laird has publicly disavowed, but which nonetheless was updated last summer.

It is also interesting in this connection that high officials of the administration—if I may resort to the journalistic technique to protect individuals—have made the argument to members of the Foreign Relations Committee that Laos is even more important than Vietnam.

Mr. President, the fact that high officials of the administration think this scares me to death. It suggests an ominous and dangerous future for us in that remote country. If Vietnam was important enough to justify the commitment of half a million American troops, then in this view how many more could justifiably be committed to Laos, which is one of the few worse places than Vietnam to fight a war?

All of this has gotten things completely out of proportion. Let us take a fresh look at our interests in Asia, attempting to put first things first.

It is wildly absurd to say that Laos and Vietnam, singly or together, have the capability of doing harm to the United States—except as we permit it through embroiling ourselves in interminable wars in those countries. What we are really concerned about in Southeast Asia is the power of mainland China, or more accurately, the extension of that power beyond China's borders.

We can all agree, I think, that the mainland Chinese are hostile to the United States. It is in our national in-

terest, therefore, to counter or deal with that hostility as best we can. Fighting wars in peripheral, insignificant countries is certainly not the best way to do this. On the contrary, it may well be the worst way.

I dare say the simple presence of the United States in Vietnam and Laos inspires greater Chinese interest in those countries than would otherwise be the case. Certainly the Russian presence in Cuba excited a greater Amercan interest in that country than had previously been manifest.

Furthermore, Chinese hostility to the United States does not necessarily imply Chinese aggressiveness against China's smaller neighbors. Irrational though they may be, the Chinese Communists can scarcely equate Laos and Vietnam with Japan, the Soviet Union, and India—unless we force them to do so. Madness in Washington may very well beget madness in Peking.

Finally, Mr. President, one's assessment of the importance of Vietnam and Laos to the United States has to be balanced against the cost of protecting whatever U.S. interest one perceives in those two countries. There is room for honest differences of opinion on both sides of this equation. Although I do not share this view myself, I can understand how one might possibly argue that the U.S. national interest in Laos justifies the expenditure of, let us say, $200 million a year and the loss of some hundreds of American lives—if, and I emphasize if, this would achieve American objectives or at least maintain the status quo.

The question we have to face now is how much more, in blood and money, are we willing to spend if this does not achieve our objectives. And the cost is not just what we spend in Laos, or Vietnam. The most important part of the cost is that which cannot be quantified, either in money or lives. This is what we are doing to ourselves. It is the corruption of our national life.

Even if we assume that our objectives in Southeast Asia are desirable, we have to ask ourselves, Are they possible of attainment at any reasonable cost? It seems clear to me that the answer has to be in the negative.

Two centuries ago, Edward Gibbon began his epic work, "The Decline and Fall of the Roman Empire" with these words:

In the second century of the Christian era, the Empire of Rome comprehended the fairest part of the earth, and the most civilized portion of mankind. The frontiers of that extensive monarchy were guarded by ancient renown and disciplined valour. The gentle but powerful influence of laws and manners had gradually cemented the union of the provinces. Their peaceful inhabitants enjoyed and abused the advantages of wealth and luxury. The image of a free constitution was preserved with decent reverence: the Roman senate appeared to possess the sovereign authority, and devolved on the emperors all the executive powers of government.

That is not a very inaccurate description of the United States in the last half of the 20th century of the Christian era. But let us listen to Gibbon further:

It was reserved for Augustus to relinquish the ambitious design of subduing the whole earth, and to introduce a spirit of moderation into the public councils. Inclined to peace by his temper and situation, it was easy for him to discover that Rome, in her present exalted situation, had much less to hope than to fear from the chance of arms; and that, in the prosecution of remote wars, the undertaking became every day more difficult, the event more doubtful, and the possession more precarious, and less beneficial.

I wish the administration would give heed to the lessons of history. Surely President Nixon would rather be referred to by future historians as Gibbon referred to Augustus and not as the man who presided over the decline and fall of the American Republic. He talked like it in expounding his Nixon doctrine. I wish he would act like it in Southeast Asia.

[From the Washington Star, Mar. 1, 1970]

EXHIBIT 1

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(By George Sherman)

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Part of another F4 wing, stationed near Danang in South Vietnam, is also engaged in the Laotian operations, the sources say.

In addition big AC47 gunships—with guns sticking out of their bellies and sides—are used to interdict trucks and men moving toward South Vietnam.

The problem to be resolved, sources claim, is whether the United States can frustrate North Vietnamese advances in the North and along the Ho Chi Minh Trail. It was frankly admitted that the real stumbling block is the unwillingness—or inability—of the Laotians, including the Meo tribesmen, to fight off the North Vietnamese.

The claim heard here is that saturation bombing by B52s and lesser bombers could stop the North Vietnamese drive in the North, especially along the main road in Laos.

But because of political considerations—the uproar of critics and fear of escalating the Vietnam war—Nixon has so far kept the bombing limited and has forbidden bombing near the North Vietnamese border in the North.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON SPECIAL PAY TO CERTAIN OFFICERS OF THE ARMED FORCES

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that the permissive authority vested in the Secretary of Defense to pay special pay to certain officers was not exercised during calendar year 1969; to the Committee on Armed Services.

REPORT ON SHIPMENTS BY THE DEPARTMENT OF DEFENSE OF CHEMICAL MUNITIONS

A letter from the Secretary of State, transmitting, pursuant to law, a classified report on shipments by the Department of Defense of Chemical Munitions (with an accompanying report); to the Committee on Armed Services.

REPORT ON SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on special pay for duty subject to hostile fire, for the calendar year 1969 (with an accompanying report); to the Committee on Armed Services.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON SURVEY OF LENDER PRACTICES RELATING TO THE GUARANTEED STUDENT LOAN PROGRAM

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on a survey of practices of lending institutions relating to the guaranteed student loan program, dated February 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO PROVIDE FOR THE SETTLEMENT OF THE LABOR DISPUTE BETWEEN CERTAIN CARRIERS BY RAILROAD AND CERTAIN OF THEIR EMPLOYEES

A letter from the Secretary, transmitting a draft of proposed legislation to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees (with an accompanying paper); to the Committee on Labor and Public Welfare.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON:

S. 3529. A bill for the relief of Johnny Trinidad Mason, Jr.; to the Committee on Foreign Relations.

By Mr. TYDINGS:

S. 3530. A bill for the relief of Miss Rosario Grandy Ochoa; to the Committee on the Judiciary.

By Mr. PROUTY (for himself, Mr. JAVITS, Mr. MURPHY, Mr. SCHWEIKE Mr. SCOTT, and Mr. SMITH of Illinois):

S. 3531. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. PROUTY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 3532. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require a warning on the label of all oral contraceptive drugs regarding possible dangers to the health of persons using such drugs; to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 3533. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title;

S. 3534. A bill to amend title II of the Social Security Act so as to encourage recipients of monthly benefits thereunder to accept employment in job-training programs and day-care centers;

S. 3535. A bill to amend title II of the Social Security Act to provide for an increase in the amount of widow's and widower's benefits payable thereunder;

S. 3536. A bill to amend title II of the Social Security Act to allow certain widows who are not under a disability to receive reduced benefits thereunder at age 50;

S. 3537. A bill to amend the Social Security Act to extend, in certain cases entitlement to the health insurance benefits provided under title XVIII thereof to individuals who have not attained age 65 but are married to individuals who have attained such age and are entitled to such benefits; and

S. 3538. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system; to the Committee on Finance.

S. 3539. A bill for the relief of Cosimo Lanata; and

S. 3540. A bill for the relief of George K. Liu; to the Committee on the Judiciary.

(The remarks of Mr. BROOKE when he introduced the first six bills appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA (for himself, Mr. ALLOTT, Mr. BIBLE, Mr. BOGGS, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HANSEN, Mr. HOLLINGS, Mr. MILLER, Mr. PASTORE, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 3541. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GRIFFIN:

S.J. Res. 178. A joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and cer-

oil product supply to the entire east coast is now imported and even the Task Force majority could find no history of a real shortage of home heating oil in New England states or higher prices, as has been claimed for that area except higher retail dealer mark-ups.

Aside from the national security risks of becoming dependent on unreliable foreign sources of oil—and these arguments are compelling enough—the Task Force report and analysis neither mentions nor apparently considers the fact that crude oil and crude oil product prices have remained remarkably stable since 1959 when the present Mandatory Oil Import Quota System was established as compared with other consumer products. The data show that, excluding excise taxes, the service station price for regular gasoline obtained by averaging data for more than 50 cities, had by 1969 gone up only 11.9 percent over the 1958–59 average while the Bureau of Labor statistics consumer price index has risen 26.3 percent.

And out of the 2.525 cents per gallon average increase in service station prices for gasoline from 1958–59 to 1969, 1.57 cents per gallon, or 62 percent, went to dealers in higher margins.

For home heating oil during this period, out of a 1.75 cent per gallon rise, 77 percent went to retailers in higher dealer margins. As for crude oil itself, while 1969 crude prices had risen only 3.6 percent above the 1958–59 average, the wholesale price index for industrial commodities had risen by 12.3 percent.

As to the overall costs of the oil import program which you say is indefensible, former Undersecretary of Interior Russell E. Train, who has just been named Chairman of the President's Council on Environmental Quality explained it this way:

"I would like to begin my remarks by inviting attention to one of these aspects that seems to have drawn more notice than any of the others; that is, the subject of costs, primarily as they apply to petroleum energy. There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention."

"There is, first, the *cost to the consumer* of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. The price that the consumer pays under the present oil import program includes not only the moneys required to provide the physical capacity to produce additional oil in the United States but also payments to all producers of oil because of the higher price of domestic crude oil. The cost to the consumer, therefore, consists of two parts: (1) payments required to bring forth the additional production generated by the program, and (2) transfers from the consumer to the producers and refiners of all oil."

"The cost of the program to the nation, often called the *resource cost,* measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States."

"The resource cost is, therefore, the difference between the price of foreign oil in U.S. markets and our own cost of producing that part of our oil that we could buy more cheaply from foreign sources. It measures the marginal segment of our production that costs us more to produce at home than it does to buy abroad. This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another."

"In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven billion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is the lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears to be quite modest in comparison with some of the other cost elements of our national security. A nuclear-powered aircraft carrier, with its embarked aircraft and defensive screen, costs somewhat over two billion dollars, and our total expenditures for defense purposes this year will exceed eighty billion dollars."

But even the Task Force report left the consumer out in the cold as far as any real or actual savings at the gas pump or in home heating oil are concerned.

"Consumers generally," the report states, "would no longer receive whatever benefits they now receive from low-cost imported oil. The tariff would appropriate the difference between foreign and U.S. prices (to the U.S. Treasury). Some of that difference may now be passed through to consumers. To that extent, the tariff would raise consumer prices. But consumer prices can be made to decline steadily by combining an initially high but steadily declining tariff with a steadily decreasing tariff-free quota."

It is, as you say, essentially a modest and cautious program. It proposes to bleed the petroleum industry to death gradually with a "phased-in liberalization of the policy" rather than kill it off instantly. The first blood-letting has already taken place in the Tax Reform Act which added some $600 million a year to the industry's tax bill. The next step now recommended by the Doctors of Philosophy and Economic Professors who made up the Task Force staff would reduce crude oil prices by 10 percent and eventually by much more than that at a time when the oil industry needs to invest huge amounts in exploration and development of increased oil and gas supplies in the U.S. We are now importing more than one-fourth of our oil needs and will probably have to import more as our use expands. But the only way to keep foreign oil available and cheap is to have the reserve capacity available from reliable sources to guarantee self-sufficiency and avoid dependency on sources that could be denied us overnight.

In my opinion, tariff on oil imports into the U.S. would be an unsatisfactory mechanism for achieving the precise volumetric control needed for national security.

A tariff designed to reduce the price of U.S. crude oil would endanger the national security by threatening the health of the domestic petroleum industry, putting the U.S. at the mercy of foreign countries whose interests may be opposed to our own, causing a further deterioration in our balance of payments position, and shifting the global balance of power away from us.

Even short-term benefits which might accrue to the U.S. consumer from such a tariff—and these are highly dubious—would soon be swallowed up by an increase in world crude oil prices and in the price of domestic natural gas. Federal government increases in revenue from a tariff would be offset by a decline in domestic taxes and royalties and the states would lose in taxes, employment, and purchasing power.

The net result of a tariff would be a loss to the nation in military effectiveness, economic stability, and political influence.

The supplementary and differing views of the Chairman of the Federal Power Commission are positive and emphatic. "Adoption of the Task Force plan will not only disrupt the oil and gas industry, but will affect our total energy resource utilization, and consumer demand for 75% of our current energy base."

The FPC report continues:

"The Task Force Report has virtually ignored the natural gas sector and accordingly, has erred in this conclusion that adoption of the Task Force tariff-based oil import plan will not adversely affect the national security. Exploration, development and production of natural gas and oil are not practicably separable. Twenty-five oil companies produce 68% of the natural gas sold in interstate commerce in the United States. However, the independent oil and gas producers found approximately 80% of the new gas and oil fields discovered in 1967 in the interior basis of the United States. In 1968, the regulated pipeline and distribution companies produced only 8.1% of the gas transported through their systems. The natural gas industry is dependent almost entirely on the oil companies or independent producers of oil and gas for its basic gas supply. Drastic reduction of oil prices over a term of 3–5 years will significantly reduce additions to natural gas reserves, curtail the growth of the natural gas energy sector, and increase consumer costs."

"The domestic industry supplies as much energy in the form of natural gas as in the form of crude oil. At the point of production, the average price is about $3.00 a barrel for crude oil and less than $1.20 for the equivalent energy as natural gas. The average cost of domestic petroleum energy equivalent to a barrel of crude oil is one-half of the sum of these two figures or $2.10, which is about as cheap as foreign crude oil can be delivered to U.S. ports."

So these are really the basic issues involved in the oil import controversy.

Undoubtedly, we could have cheaper dairy products, meat, shoes, clothing, oil, automobiles, TV sets, and many other consumer items if we are willing to open our markets to massive imports of these products which are produced by workers paid far less than U.S. workers.

But before bargaining off what little protection we have left for American workers employed in competitive industries, I hope that those who advocate such liberal trade policies will study some statistics and hard facts of comparative U.S. wage levels and U.S. standards of living as compared with the countries from which these imports are coming.

American consumers have made such wages illegal and impossible through their elected representatives and the minimum laws, obligatory collective bargaining, and other laws that have been enacted during the years.

The U.S. consumer and those who represent them in Congress must learn to act responsibly and to forego their inclination to eat their cake and still have it as far as imports are concerned.

And those who advocate control of domestic prices by a flood of cheaply produced foreign oil or any other competitive import may well have to suffer the consequences of the massive unemployment that will surely follow.

The separate report of Interior, Commerce and FPC offers a well-reasoned and documented rebuttal to the Task Force plan and a sensible alternative plan for revision of the Mandatory Oil Import Program.

Also the President in deferring action on the Task Force recommendations said he expected the new oil policy committee to "consider both interim and long-term adjustments that will increase the effectiveness and enhance the equity of the oil import program . . . as well as the information developed in proposed Congressional hearings."

Hearings have already been scheduled by the appropriate committees of both the

House and Senate during which the differing views of both the majority and minority of the Task Force will be considered and I invite your attention again to the separate and opposing views which were included in the Task Force report.

Sincerely,

CLIFFORD P. HANSEN,
U.S. Senator.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, with statements limited to 3 minutes.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

G. McMURTRIE GODLEY—AMBASSADOR OR PROCONSUL IN LAOS

Mr. SYMINGTON. Mr. President, last month an Associated Press story with a Vientiane, Laos, dateline reported on the activities in Laos of three American newsmen; and also gave a statement, purportedly made by U.S. Ambassador to Laos, G. McMurtrie Godley, that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon."

I ask unanimous consent that this newsstory of last February 24 be inserted at this point in the RECORD.

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

LAOTIANS ARREST THREE NEWSMEN

VIENTIANE, LAOS.—Laotian army troops today arrested three Western newsmen who made their way unannounced to the government base at Long Cheng. They were later released to a U.S. Embassy official.

G. McMurtrie Godley, the U.S. ambassador to Vientiane, said in a statement that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon." He did not elaborate.

The newsmen arrested were John Saar of Life magazine, Max Coiffait, of Agency France Press, and Timothy Allman, a part-time employe for the New York Times and Bangkok Post.

Newsmen attempting to cover the fast-breaking developments in Laos have been forced to rely largely on American mission sources for their information, and on the mission for transportation to battle areas.

The U.S. mission has been reluctant to intercede with the Laotian government to help newsmen visit areas where fighting is going on.

Saar, Coiffait and Allman were among a group of newsmen who last week made a visit to Sam Thong, a supply and medical center southwest of the Plain of Jars. They had chartered an Air America transport plane with the consent of the U.S. Embassy and the Laotian government.

The three newsmen were last seen walking along a road leading to Long Cheng, headquarters for Gen. Vang Pao, 15 miles away.

Vang commands Laotian forces in the area.

Mr. SYMINGTON. Mr. President, yesterday the State Department released a summary of some correspondence that, as chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee, I have had with the Secretary of State in connection with the desire of the subcommittee to hear Ambassador Godley. I ask unanimous consent that a letter from me of February 25 to the Secretary of State, also a letter from me to him a week later, March 2, plus the Secretary's reply of March 4, plus my reply of March 5 to that letter, be inserted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON U.S. SECURITY AGREEMENT AND COMMITMENTS ABROAD

February 25, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In view of recent press reports of serious fighting in Laos, and the difficulties which have been reported by press representatives in Laos in ascertaining the facts, we request that Ambassador G. McMurtrie Godley be directed to return to Washington as soon as possible to appear before the Subcommittee on United States Security Agreements and Commitments Abroad.

Sincerely yours,

STUART SYMINGTON,
Chairman.

MARCH 2, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: On February 25 we requested that Ambassador Godley appear at his earliest convenience before the Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee.

Would you kindly let us know when we can expect his appearance.

Sincerely,

STUART SYMINGTON.

THE SECRETARY OF STATE,
Washington, March 4, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate.

DEAR STU: I have received your letter of February 25th requesting that Ambassador Godley be brought back to appear before your Subcommittee on United States Security Agreements and Commitments Abroad.

I am sure you will understand that because of the serious situation presently existing in Laos, it is not possible to say at this time exactly when Ambassador Godley will be available. As soon as the situation makes it feasible for him to return to this country, we will arrange to have him do so and he will of course be prepared to appear before your Subcommittee at that time.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS.

MARCH 5, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR BILL: Acknowledging your note of March 4 re Ambassador Godley, could you let us know when we can expect him? We are anxious to have him as soon as possible.

Warm regards.

Sincerely,

STUART SYMINGTON.

Mr. SYMINGTON. Mr. President, I regret that apparently Ambassador Godley will not be available for some time, because it would seem that it is in the public interest for him to appear before the subcommittee as soon as possible.

If our fighting is to continue in Laos, however, I can understand why there is no desire to return the Ambassador, because when I was last in Laos, some 2½ years ago, the Ambassador at that time, in addition to his normal State Department functions, was not only directly supervising the extensive military and nonmilitary activities of the various U.S. intelligence agencies in that country, but was also directing the time, place, and nature of all other U.S. military activities against North Laos.

In passing, although traveling on official business as a member of both the Senate Foreign Relations Committee and the Senate Armed Services Committee, even then I was not fully informed of some of our military activities, at the time of this visit or on previous visits; and only learned of these activities as a result of sworn testimony before the subcommittee in question during hearings held last October.

I did learn, however, that at that time the Ambassador was also acting as chief of staff of U.S. military efforts in the northern part of that country; and if that is what he is doing now, and because recently there has been heavy escalation of U.S. participation in this northern Laos war, I can understand why there is some resistance to bringing him back at this time.

I would hope, however, that as soon as possible we can find out more about just what is going on in that country; and Ambassador Godley—based on his duties, perhaps it would be better to call him Proconsul Godley—is obviously the best person to supply that information.

As background to the importance of this request is an article in the press this morning, which article says that Prince Souvanna Phouma of Laos is apparently now following the sanctuary policy of Prince Sihanouk of Cambodia; this in that he is now offering to the military forces of North Vietnam free access to the Ho Chi Minh trails that are supplying the enemy in South Vietnam; this offer provided the North Vietnamese desist in their offensive action against Northern Laos.

I ask unanimous consent that this article this morning in the Washington Post, entitled "Laos Offers Hanoi Trail Use if it Quits Rest of Country" be inserted at this point in the RECORD.

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

[From the Washington Post, Mar. 6, 1970]

LAOS OFFERS HANOI TRAIL USE IF IT QUITS REST OF COUNTRY

VIENTIANE, March 6.—Prime Minister Prince Souvanna Phouma reiterated today he would tolerate North Vietnamese use of the Ho Chi Minh trail through southern Laos if the North Vietnamese would withdraw from the rest of the country.

"I told the ambassador from North Vietnam last year that we will accept the use of the trail by North Vietnamese troops with the condition that those troops withdrew from the important regions of Laos," he told a news conference.

Souvanna's renewal of the offer comes al-

most on the eve of an expected White House announcement this week shedding new light on the U.S. role in Laos, where the main U.S. involvement is in blocking the North Vietnamese supply route to South Vietnam over the Ho Chi Minh Trail. The renewal offer also comes as the Laotian government is under increased military pressure from the North Vietnamese.

When he first made the offer, Hanoi rejected it because he would not invoke his authority to tell the Americans to stop bombing the trail. He said publicly that he had told the North Vietnamese that what went happened around the trail was between them and the Americans.

The Premier said: "The Ho Chi Minh Trail, after all, runs across the deserted part of our country. What we would like to see is that the North Vietnamese will not come to destroy our towns, villages and economy."

Prince Souvanna was asked if American air raids over Laos constituted a violation of the 1962 Geneva agreement. He replied, "No. You must distinguished between two things—cause and effect. The cause is the North Vietnamese interference in Laos.

"After 1962, there was no withdrawal of North Vietnamese troops, and I asked for American intervention only in May, 1964, after the North Vietnamese had attacked the neutralist forces in the Plain of Jars. Remove the cause and the effect will disappear, withdraw the North Vietnamese troops and the bombing will stop."

Asked if American planes would also stop bombing the Ho Chi Minh Trail, he sad, "I cannot say. That is a matter for the Americans to decide."

Prince Souvanna said he did not consider the fall of the Plain of Jars dramatic because this was only a return to the situation of five years ago when the North Vietnamese first overran the plain.

He said, however, "This offensive is different by virtue of the use of tanks, of new model artillery . . ." But, he added, "no matter what will happen, we remain confident in facing the danger."

The Premier said he would not accept aid in the form of foreign troops to fight against the North Vietnamese. "We want to limit the invasion and we don't want other foreign troops other than the North Vietnamese who are already here," he said.

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

Mr. SYMINGTON. I am glad to yield to my able and distinguished colleague from Idaho.

Mr. CHURCH. Mr. President, I want to commend the Senator from Missouri for his persistent efforts to get the facts concerning the nature and extent of the American involvement in Laos. During my lifetime, this country has fought two undeclared wars. This is the first time it has fought an undisclosed war.

The American people are entitled to have all of the facts, and to have them now. If the President does make a full disclosure this weekend, I think much of the credit will go to the Senator from Missouri and to other members of the Foreign Relations Committee who have been insisting that the cloak of secrecy be removed from our involvement in the combat in Laos, and that the American people have a complete and full statement given them concerning the facts.

I think the Senator renders a great service to the country, and I simply want to associate myself with his effort and commend him for what he is doing.

Mr. SYMINGTON. I thank the distinguished Senator from Idaho, one of the wisest of all members of the Foreign Relations Committee. He is much too kind in what he says with respect to my activities. I would say that he, as well as two distinguished Senators I see on the floor this morning, the able majority leader and the able senior Senator from Oregon (Mr. HATFIELD), have had at least as much to do with the bringing out this problem.

I have not necessarily criticized what was going on in Laos, from the standpoint of whether it is right, or whether it is wrong. I have my opinions, but I do not know. What I do know, however, as the able Senator from Idaho has so ably pointed out, is that this is the first undisclosed war, to the best of his or my knowledge, we have ever fought with the military forces of the United States; and our military forces are just as much air and sea as they are ground.

Therefore, the primary thrust of what I have been trying to do, and, what is more important, what the subcommittee which I have the honor to chair has been trying to do, is to get the facts before the people. In this connection, we are only following the recommendation of President Nixon presented in the first paragraph of his televised speech last November 3. I ask unanimous consent that the first paragraph of that address be inserted at this point in the RECORD.

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

I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless thye know the truth about that policy.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Missouri, who has been doing an outstanding job, in executive session, in trying to lay the facts before the committee, at least, and, hopefully, the Senate and the American people, in terms of just what our involvement is in the arc all the way from Thailand to Korea in the north, with a number of countries in between.

I am glad to note by press accounts that there is a good possibility that the administration will make a statement on Laos very shortly; and I am very hopeful that an accord can be reached between the distinguished chairman of the Symington subcommittee and the State Department, which will bring about a release of at least as much of the hearings—and without violating security—which have been held up by the State Department and which have been held in a state of limbo for 5 months up to this day.

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

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I appreciate the remarks of the distinguished majority leader. It is universally recognized in this body as well as in the other body where he served long and well that no one knows more about the history of what was Indochina and the Far East, than does he. I am grateful that he emphasizes the fact we are all trying not to criticize necessarily what is going on, but to find out what is going on, policies, programs, and actions that have to do with lives of young Americans and the treasure of all of us.

Mr. MANSFIELD. May I express my thanks to the distinguished Senator from Missouri and say that the suggestions which have been made should react, in my opinion, to the benefit of the administration. I am well aware of the fact that the President did not start this war. He inherited it and he is saddled with it. I am hopeful, when he has made his statement, and an accord can be reached between the State Department and the distinguished Senator from Missouri, that the fires which are rapidly spreading will at least be damped as a result.

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

Mr. MANSFIELD. I yield.

Mr. HATFIELD. Mr. President, I associate myself with the comments of the distinguished Senator from Missouri this morning. I would hope that out of these disclosures, or out of further contact with the Defense Department, among other things we might obtain any new definitions of what constitutes a "combatant" or a "military action."

There has been a great deal of discussion, both in the public press and otherwise, that we have people in civilian clothes operating in a military capacity.

If we have some new definitions as to what constitutes involvement, depending upon the kind of clothes that people wear, I think we ought to get that clearly understood as well.

So I hope the Senator will press forward as he has been doing, not only to obtain full disclosure of the facts, but for any new definitions being applied today that are not in the conventional or familiar form of the definitions as we have known them, as to what constitutes "military involvement," and what might constitute "CIA involvement."

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

Mr. MANSFIELD. I ask unanimous consent to proceed for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DR. MENNINGER FAVORS LOWERING THE VOTING AGE TO 18

Mr. MANSFIELD. Mr. President, Dr. W. Walter Menninger is the youngest member and the only psychiatrist on the 13-member National Commission on the Causes and Prevention of Violence. This Commission was appointed by President Johnson in June of 1968. Its report was made in December 1969.

Dr. Menninger is the third generation member of the famous Topeka psychiat-

ric family and the youngest son of the late Dr. William Menninger, cofounder of the Menninger Foundation, a nonprofit center for professional education, research, prevention, and treatment in psychiatry.

Dr. Menninger received his undergraduate degree from Stanford University, where he was elected to Phi Beta Kappa. His medical education was at Cornell University Medical College, New York, where he was named to the fraternity of academic scholarship, Alpha Omega Alpha in his third year.

He interned with the Harvard Medical Service at Boston City Hospital and took psychiatric training with the Menninger School of Psychiatry in Topeka.

He has been certified by the American Board of Neurology and Psychiatry. He is a fellow in both the American Psychiatric Association and the American College of Physicians.

In September 1967 Dr. Menninger was appointed by the Surgeon General of the U.S. Public Health Service and the Secretary of Health, Education, and Welfare to a 4-year term on the National Advisory Health Council.

During the past 2 years, Dr. Menninger has followed in the footsteps of his renowned father, who addressed some 25 State legislatures on mental health matters.

He was the keynote speaker for the Association for Education in Journalism National Convention in 1968, speaking on the subject "Roots of Violence."

Dr. Menninger's writings include articles on "Reactions to Violence," first printed in the Stanford Alumni Almanac, reprinted by the Los Angeles Times: "Roots of Violence," "Student Demonstrations and Confrontations." Professional writings include articles on hospital psychiatry, Peace Corps psychiatric experience, confidentiality, rehabilitation, and psychiatric perspectives on violence.

In addition to his work in Topeka, he served for 2 years with the Peace Corps Medical Program Division and is currently a senior psychiatric consultant to the Peace Corps.

He has also been active in the area of prison reform. Five years ago he was named by the Director of the Federal Bureau of Prisoners as the *only* physician and psychiatrist on a four-member panel to review the Federal prisons' health services.

Since 1965, Dr. Menninger has served as psychiatric consultant to the Topeka Police Department.

For his activities in his home State he has been designated "Kansan of Achievement in 1969" by the Topeka Capital-Journal.

Dr. Menninger as an undergraduate at Stanford University proved himself an effective managing editor of the Stanford Daily.

I ask unanimous consent that the statement made by the distinguished Dr. Menninger on February 16, 1970, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, having to do with lowering the voting age to 18, be printed in the RECORD at this point.

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

LOWERING THE VOTING AGE TO 18

(By W. Walter Menninger, M.D.)

INTRODUCTION

It is a special pleasure and honor to be asked to meet with this Subcommittee to share some views on the proposal to lower the voting age in our nation to 18. Today, I come before you as a representative of the National Commission on the Causes and Prevention of Violence, which in our report—*To Establish Justice, To Insure Domestic Tranquility*—went on record stating:

"We recommend that the Constitution of the United States be amended to lower the voting age for all state and Federal elections to eighteen."

To some extent, my presence here is like carrying coals to Newcastle, since two members of the Committee on the Judiciary of the United States Senate were fellow Commissioners with me: Senator Roman Hruska, who sits with this subcommittee; and Senator Philip Hart.

In addition to sharing with you the thinking of the Violence Commission, however, I wish to review this issue from my vantage point as a psychiatrist and student of human behavior. In addition to my clinical work, my perspective includes experience as a senior psychiatric consultant to and former staff member of the Peace Corps, and work in training VISTA volunteers. I have attempted to keep in contact with college students and be aware of their views, and through my wife's activities as a member of the Board of Education in Topeka, Kansas, I have some sense of the views of high school students in our area.

VIEWS OF THE VICLENCE COMMISSION

In the early deliberations of the Commission on the Causes and Prevention of Violence, we formulated some themes of challenge which we presented in a Progress Report in January, 1969, to President Lyndon Johnson. One of those themes:

"The key to much of the violence in our society seems to lie with the young. Our youth account for an ever increasing percentage of crime, greater than their increasing percentage of the population. The thrust of much of the group protest and collective violence on the campus, in the ghettos, in the streets, is provided by our young people. It may be here, with tomorrow's generation, that much of the emphasis of our studies and the national response should lie."

Our concern with the relationship of youth and violence prompted our issuing two statements touching on youth, a statement on Campus Disorder, and a statement on Challenging Our Youth. Let me share with you excerpts of those statements which have some relevance to the subject of discussion today. At the same time, may I refer you to the complete statements which are chapters in our final report:

"Violence by the young, as by persons of all ages, has multiple causes, involving many elements of personality and social environment . . .

"Many of the young people in the nation today, however, are highly motivated by the ideals of justice, equality, candor, peace—fundamental values which their intellectual and spiritual heritage has taught them to honor . . .

"They speak eloquently and passionately of the gap between the ideals we preach and the many social injustices remaining to be corrected. They see a nation which has the capacity to provide food, shelter, and education for all, but has not devised the procedures, opportunities, or social institutions that bring about this result. They see a society built on the principle of human equality that has not assured equal opportunity in life. With the fresh energy and idealism of the young, they are impatient with the progress that has been made and are eager to attack these and other key problems. A combination of high ideals, tremendous energy, impatience at the rate of progress, and lack of constructive means for effecting change has led some of today's youth into disruptive and at times violent tactics for translating ideals into reality . . .

"The nation cannot afford to ignore lawlessness, or fail to enforce the law swiftly and surely for the protection of the many against the depredations of the few. We cannot accept violent attacks on some of our most valuable institutions, or upon the lives of our citizens, simply because some of the attackers may be either idealistically motivated or greatly disadvantaged.

"It is no less permissible for our nation to ignore the legitimate needs and desires of the young. Law enforcement must go hand in hand with timely and constructive remedial action. . . . Whether in the inner city, in a suburb or on a college campus, today's youth must be given a greater role in determining their own destiny and in shaping the future course of the society in which they live . . .

"Today's youth are capable of exercising the right to vote. Statistically they constitute the most highly educated group in our society. More finish high school than ever before, and more go on to higher education. The mass media—television, news and interpretive magazines, and an unprecedented number of books on national and world affairs—have given today's youth knowledge and perspective and made them sensitive to political issues. We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

"The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will not eliminate protest by the young. But it will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation."

CRITERIA FOR SUFFRAGE

In other testimony, in previous hearings, this Subcommittee has been presented the history of suffrage. Many rationalizations for the criteria for suffrage in the past are no longer applicable. The ancient English Common Law designating 21 as the minimum age for knighthood might have had a rational basis then in the thought that not until that age would the young man be strong enough to bear the weight of armor in battle. Yet, I think now of my college classmate, now Congressman from California, Robert Mathias, who first won the Olympic Decathlon at age 17.

Criteria of property ownership, tax paying, sex, literacy have all been applied restrictively in the past. Each suggestion to liberalize the process to increase the electorate is met with dire predictions, resistance and concern. Now the question is what age is the right age to qualify one for the voting privilege.

It is hard to disagree with the statement of Senator Michael Mansfield before this Subcommittee in hearings two years ago, when he observed:

"The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot, or, for that matter, to assume any other responsibility. Indeed, it is the age of 18 that has long been regarded as the age when young people "try it

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Mansfield On Laos: 'Up To Our Necks'

By Richard Homan
Washington Post Staff Writer

Senate Majority Leader Mike Mansfield (D-Mont.) said yesterday that the United States is involved militarily in Laos "up to our necks" and that the presence there of American forces "cannot be camouflaged any longer."

President Nixon has said that American planes bomb the Ho Chi Minh Trail in southern Laos but neither he nor any other administration official has revealed the U.S. role in northern Laos beyond saying there are no American combat forces in the country.

From other sources, however, it is known that U.S. military advisers have been with the Laos forces and that American aircraft have provided those forces with tactical support.

Mansfield and other critics of the U.S. involvement in Southeast Asia spoke after CIA Director Richard Helms testified in a closed session of the Senate Foreign Relations Committee.

Although Helms was called to testify on the need for expansion of the Safeguard anti-ballistic missile system, many of the questions dealt with the scope of U.S. activities in Laos, according to senators who were present. "There was some considerable discussion on it," one said.

Sen. Albert Gore (D-Tenn.) said that after hearing Helms he was "more concerned now than I was before the meeting." Committee Chairman J. William Fulbright (D-Ark.) said he was "very afraid we are gradually being sucked into a new Vietnam-type war."

Mansfield, in his strongest statement on the shadowy U.S. presence in Laos, urged the President and Congress to "corral" the "open-ended military involvement in a part of the world which is not directly vital to our security."

See MANSFIELD, A4, Col. 6

MANSFIELD, From A1

In a speech on the Senate floor, Mansfield said:

"Notwithstanding the Geneva Accord of 1962, the North Vietnamese are deeply involved in this military situation.

"So, too, is the United States. Press reports indicate that the Thais may also be engaged.

"The involvement is so transparent on both sides as to make less than useless the effort to maintain the fiction of the accord or even to exchange charge and countercharge of violations. We are both in it—North Vietnamese and Americans—and we are in it up to our necks."

Mansfield said that "what disturbs me is not only that both nations are forbidden by the agreement to use forces in Laos but that the President has also made clear that he does not desire to see U.S. forces used in Laos."

Mansfield said he has "every confidence in the President's intentions. Yet the presence of American military 'advisers' and others in Laos cannot be camouflaged any longer."

There are indications, he said, that U.S. bombing in Laos is heavier than it was in North Vietnam "and that there could now be as many as 20,000 sorties a month."

He urged that the United States "face up to the implications of this worsening situation in Laos" and said the "danger of our over-extended commitment in Southeast Asia needs to be considered frankly and without delay."

Mansfield commended the proposal by Laotian Prince Souvanna Phouma that a meeting be called of the signatories to the Geneva Accord to work out a way to bring stability to Laos.

State Department spokesman Robert McCloskey said yesterday that the United States would welcome informal consultations among the 14 member nations of the Geneva Conference.

McCloskey made it clear that, rather than a formal conference at this time, the United States had in mind informal consultations which are provided for by the agreement and which the various signatories have used in the past to discuss Laos.

Sen. Frank E. Moss (D-Utah) told the Senate he endorsed Mansfield's remarks and Sen. Stephen M. Young (D-Ohio) said, "Laos is not worth the life of one American soldier . . . yet the fact is that our involvement in recent weeks seems to be growing."