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in Lebanon is a very serious one. Since August 29, four U.S. marines have been killed in Lebanon as a result of hostile fire, and numerous others have been wounded.

However, the continued presence of U.S. forces in Lebanon as part of the Multinational Peacekeeping Force is vital to achieving peace in the Middle East. A strong and independent Lebanon, free from external interference, is vital, not only to U.S. interests, but to the efforts toward world peace.

In view of the critical U.S. interests in securing the stability of Lebanon, and the fact that our marines have been the object of hostile fire—and every indication is that this will continue—I believe the decision to keep our forces in Lebanon should not rest with the President alone.

Therefore, I believe section 4(a)(1) of the war powers resolution should be invoked. Section 4(a)(1) states that—

In the absence of a declaration of war, in any case in which the United States Armed Forces are introduced . . . into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. . . .

The continued presence of our forces beyond 60 to 90 days has to be authorized by the Congress.

If the President were to invoke this section of the war powers resolution I believe he would find overwhelming bipartisan support in the Congress for the continued presence of our marines in Lebanon. I am convinced Congress would not vote to pull the marines out of Lebanon. Most Members of Congress realize that to do so would result in increased violence and bloodshed, leading to the probable collapse of the government of President Amin Gemayal. None of us would vote for such an outcome in Lebanon.

If the United States were to withdraw from the Multinational Force, that force would quickly dissolve. Our withdrawal would clear away any obstacle to the Druze militia escalating the fighting in Lebanon. This, in turn, would most likely provoke renewed fighting between Israel and Soviet-backed Syrian troops. In essence, the U.S. presence in Lebanon is vital to preventing another war in this highly volatile and strategically important region of the world.

Mr. President, I strongly believe that by invoking section 4(a)(1) of the war powers resolution, the President would marshal public opinion, through the elected representatives in the Congress, in support of our Government's policies in Lebanon. The timing is right for the President to act. If he does so now, I am confident that he will have bipartisan, bicameral support. If he waits, there is a danger that the American Peacekeeping Force could become a strictly partisan issue. Congress and the President must act in concert. By so doing, the United States will be sending a signal to potential adversaries in the Middle East, and elsewhere, that Congress is more

than willing to share the responsibility with the President for the commitment of U.S. Armed Forces in Lebanon—a commitment forged in the belief that only in this way can we hope for peace and stability in the region, and perhaps throughout the world.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I salute and thank the President for his recent action in granting field commanders in the Beirut area the authority to retaliate by naval and ground fire power against attacks on our marines. To date, they have become all but sitting ducks, handcuffed in their fox holes. We could or should do no less.

The larger question that confronts us, it seems to me, is what do we do now?

It is this Senator's conviction, often stated since the beginning of our direct involvement there, that our ground forces should never have been deployed on Lebanese soil. My concern was and is that a superpower's ground forces serve essentially as a dangerous tripwire which could easily trigger our all-out involvement in a major confrontation. In this case again, we are sinking into a situation over which we could lose control. Quicksand is always dangerous and there is a lot of it in the Middle East today.

The question comes, now that the fat is in or near the fire, what do we do?

It is clear that we cannot immediately cut and run. This term has become a catch phrase by some who seem to be saying that our only alternative is for a long-term commitment of troops now for at least 6 more months, or up to 18 months or longer.

Such is not my view. I suggest we should be planning now to get our ground forces out of Beirut, and not to put more in unless required to protect our present position.

We are about to become exercised about the War Powers Act and a great debate is likely to be waged about the rights and wrongs of invoking this act on the basis of whose turf is trod on between the executive and legislative branches. That, in my opinion, is not the key issue, as important as it might be to constitutional scholars.

Our first step should be to convince the President that the War Powers Act should obviously be invoked, giving the Congress and the President 60 or a maximum of 90 days under that act to review the difficult situation we find ourselves confronted with. I would hope we could bring diplomatic pressure to bear, combined with economic and military hardware assistance to the Lebanese Government, so as to withdraw our ground forces. If that proves unworkable for any reason, the U.S. ground forces would have to leave Lebanon in 60 to 90 days unless Congress votes to let them stay. As nearly as I can tell, that was the logic behind the War Powers Act requirements. Why are we not in-

sisting it be employed rather than continuing to fly by the seat or our diplomatic and military pants in Beirut?

In my opinion, we should not be making any long-term commitments before we understand all the facts and ramifications, and I warn against what appears to be a rush to enter into another form of a Gulf of Tonkin resolution, this time in the Middle East.

We need some time to reason together. The time provided in the War Powers Act is obviously the best way to proceed at this juncture.

Mr. President, I yield the floor.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it is clear that we need more time for the presentation of the debate on Lebanon and the War Powers Act. I ask unanimous consent that the time for the transaction of routine morning business be extended to the hour of 5:30 p.m. under the same terms and conditions.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I can remember being both a country lawyer and Governor of my State during the Vietnam war. I frankly confess that I was not all that opposed to the war until my two sons began to reach draft age. But it was not just because they were reaching draft age that I came to oppose the war; it was because I knew that if they were called upon to go, they at least ought to have the right to know what was involved and why they might be called upon to give the full measure of devotion in Vietnam.

As I agonized over the role that I had to play in explaining to my own sons why they had to go to war, I could not come to any kind of persuasive conclusion that our role in Vietnam was legitimate or in our national interest. So I turned against the war.

The interesting thing about our society as opposed to almost any other society is that it was public opinion in this country that brought that war to an end, but it was late in coming and it was after 55,000 American men died and 250,000 were injured.

Joe Stalin used to say one death is a tragedy; a thousand deaths is a statistic. Having just returned from the Soviet Union, I must say that I am afraid that that is still the Soviet mentality. But it is not ours. We believe in the sanctity of life and we believe that the four marines who have died already in Lebanon and the 55,000 who died in Vietnam, to say nothing of the untold misery and costs in human and economic suffering that was caused there—each one is a matter of great concern to this Nation. It ought to be a matter of great concern to every Member of this body.

So, I simply want to say this afternoon—and unless something is forth-

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coming soon, I shall say a great deal more, as will many of like mind—that as a country lawyer, I often wondered why Congress did not do a better job of handling the Vietnam war. Why was the President allowed, without any constitutional declaration of war by the Congress, to fight a war in Vietnam which nobody ever understood?

That was another era in the history of this country where it did not pay politically to talk sense—not the first, nor will it be the last.

Mr. President, there were people all across the country who wondered why the Congress did not assert itself and why nothing really meaningful was done here. Well, it was because nobody wanted to leave our men stranded over there; nobody wanted to cut and run because of the perception that such an action might convey to the rest of the world about United States resolve in its fight against communism and Communist governments. But for all of those reasons, none of which is very persuasive, we continued. It was a mammoth tragedy, but in the wake of that tragedy, Congress did something to try to make sure we never got caught in that situation again. That was the passage of the War Powers Act.

Mr. President, we have a very checkered history. It was not just in Vietnam. The Senator from Nebraska knows nobody ever declared war in Korea. President Ford did not declare war during the Mayaguez incident, when we were trying to recover 50 people who had been taken off the Mayaguez by the Cambodians.

There is time after time in our history where the President has introduced troops into hostile situations and has literally waged war, and Congress was simply either a willing conspirator or just lacked the courage to do anything about it.

That was not the intention of the Founding Fathers when they wrote the Constitution. The Founding Fathers of this Nation did give the President the authority to repel attacks.

In 1941, when the Japanese attacked Pearl Harbor, nobody expected Franklin Roosevelt to wait until he could convene Congress and get a declaration of war. It did not take long in coming. It happened immediately. But he had a right to do it. He always has the right to repel attacks.

If you read the Federalist Papers, Alexander Hamilton was very clear on that point. They intended for the President to have that right, and they intended for him to be Commander-in-Chief, much as the kings have been commanders in chief in England. But they specifically said that Congress is the only body that shall have the right to declare war.

There is another Federalist Paper—I think it is No. 69—by Alexander Hamilton in which he goes into great detail about the debate that went on in the Constitutional Convention on that issue. The words originally were: "Con-

gress shall have the right to make war." They found that word faulty, and they changed it from make to declare.

In any event, Congress decided that we ought to start living up to our constitutional responsibilities. Let the President introduce troops where there is an attack, but any time he introduces troops into hostile situations, he ought to at least notify Congress, and we will decide whether it is a matter on which we want to declare war, whether it is a matter we want to tolerate, or whether it is a matter from which we want to withdraw.

It seems to me that the President would welcome with open arms the support of Congress for the troops in Lebanon and our policy there. It is a terrible onus for the President to take that on unilaterally, especially with Congress objecting not to the handling of it but to the President's flouting of the law.

If we are a nation of laws, it surely ought to apply to the President. If it does not apply to the President, it does not apply to anybody. Why should some two-bit white-collar criminal abide by the law, if he sees the President of the United States thumbing his nose at it?

The War Powers Act was a very carefully crafted law. It was debated and debated in committee and on the floors of both Houses before it was passed. It was not something done hastily.

If you read English and you understand the English language, listen to the wording of the War Powers Act.

In section 2(a), Congress sets out the policy behind the act, and here is the stated purpose:

* * * to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances * * *

I ask, if you read English, is there anything confusing or ambiguous about that? They said that the purpose is to fulfill the intent of the framers of the Constitution, and that is that the U.S. Congress declare war, and that the President be Commander in Chief.

Section 2(b) of that act recognizes the power of Congress under article I, section 8, of the Constitution to do all those things "necessary and proper" for exercising other powers.

Section 2(c) says that the constitutional powers of the President to introduce Armed Forces into imminent hostilities are to be exercised only pursuant to first, a declaration of war, second, specific statutory authorization, or third, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.

Now, do you read English? There is absolutely nothing confusing or am-

biguous about sections 2(a), 2(b), or 2(c).

Section 3 just says that the President, where he can, at least will consult with Congress before introducing U.S. forces into situations where imminent hostilities are anticipated.

Section 4—I hate to get legalistic about this, but how can you discuss this without getting legalistic?—section 4 is a critical section. If you read English and if you understand English, I want you to listen to this very carefully. Section 4 says:

In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

First. Is Lebanon a hostile situation? Well, when you have four marines dead and more than a dozen others injured, some seriously; when everybody believes that it is a quagmire likely to escalate and the Marines are being subjected to artillery barrages every day, that is not something likely to become hostile—it is hostile.

All the War Powers Act says is that the President will submit a report. We will hear arguments by people on the other side of this issue saying that they believe that, as Commander in Chief, he has the authority to do this. If he does, why does he not submit it in his report and say, "I am submitting this report to you and telling you that I have the privilege and the constitutional right—indeed, the duty—to do what I have done."

So the President is required, under the bill, to report to Congress, within 48 hours, the introduction of troops into "hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Not only have American marines lost their lives, not only are other American marines going to lose their lives, not only have American marines been injured, and not only are more and more American marines going to be injured, but also, the President has said that we are going to retaliate—indeed, we have retaliated—with mortar and artillery, and then some.

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We are in a combat situation just as surely as if Congress had declared war on the Druze and the Palestinians and everybody else who is firing at the Marines.

I do not think the Supreme Court would touch the first section of this. There is no question that the veto power of Congress has been declared unconstitutional. You can make an argument that the Chada decision does not really render the veto power unconstitutional. I agree with the position of the Supreme Court. I do not think one of the two Houses should be vetoing provisions. The Founding Fathers did not set up anything such as that.

I voted for a lot of those vetoes here. They come in handy, and they can hold the President's feet to the fire. But the Founding Fathers intended Congress to pass bills and the President to sign them.

So I have no quarrel with the Chada decision.

But they did not intend for the President to declare war either. That is the reason they specifically gave that very awesome responsibility to Congress.

Section 5(b) of the War Powers Act says that within 60 days after the report is submitted to Congress by the President or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate the use of U.S. troops unless one of five things happens.

Here are those five things.

First, Congress declares war;

Second, Congress enacts a specific authorization for such use of U.S. troops, which we may do, and I am inclined to think we would do that; or

Third, that Congress extend by law such 60-day period, and I think we might do that; or

Fourth, the President determines and certifies to Congress that unavoidable military necessity respecting the safety of troops requires continued use of such troops in the course of bringing about a prompt withdrawal of the troops. In this case the 60-day period for removal can be extended for not to exceed another 30 days during which time Congress could extend the time to enact legislation or declare war; and

Fifth, Congress is physically unable to meet because of armed attack.

Mr. President, we have some very distinguished guests here that the distinguished Senator from South Carolina, Senator THURMOND, wishes to introduce. And I certainly want to cooperate.

But I conclude my remarks by saying that no one in this body should underestimate the seriousness of the situation, no one should misunderstand that American lives are on the line and Congress has a role to play.

If the President triggers the War Powers Act, as he is most assuredly required to do under the law, in my opinion he will receive good bipartisan support in Congress.

I opposed sending American Marines to Lebanon in the first place. I opposed it because I thought the United States would be the focal point of the hostility of the Druze, the Palestinians, and all the other Arabs in the vicinity.

I would have been happy to pay the expenses of any other nation on Earth to join the peacekeeping force, but what I thought would happen has happened and now we must make the best of it.

I do not want to undermine the President or our policy in the Middle East, but I want the law complied with and in my opinion, if the President will read the War Powers Act and do his constitutional duty by submitting a report to the U.S. Congress, he will be surprised at the bipartisan support he gets just as he might have been surprised at the bipartisan support he got in the method and manner he used in handling the Korean airliner incident, and I supported him strongly on that.

Mr. President, Congress has to face this issue. We are not going to be able to shirk our duty. We cannot ignore it. We have a duty and we have a responsibility. It just depends on the manner in which we are going to face up to it.

The laws are on the book on how we should do it, and I sincerely hope that the President and his legal counsel will do this forthwith because I can tell you it is not going away.

Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I thank the Senator.

Mr. President, the distinguished President pro tempore of the Senate, who is our senior Member on the majority side and presides in the absence of the Vice President, has advised me that he has a delegation of distinguished visiting parliamentarians.

I yield now to Senator THURMOND so that he may present them to the Senate.

VISIT TO THE SENATE BY BRITISH MEMBERS OF PARLIAMENT

Mr. THURMOND. Mr. President, we are honored today by having nine distinguished members of the British Parliament here, and it is my distinct pleasure at this time to present them to the Senate. When I finish calling their names I will ask them all to rise and be acknowledged by this body.

The members are: John David McWilliam, Labor M.P. for Blaydon; Michael John Martin, Labor M.P. for Springburn, Glasgow; David Mudd, Conservative M.P. for Falmouth and Camborne; Patrick Nicholls, Conservative M.P. for Teignbridge; William Powell, Conservative M.P. for Corby; Martin Redmond, Labor M.P. for Don Valley; Allan Roberts, Labor M.P. for Bootle; Sir Hugh Alexis Louis Rossi, Conservative M.P. for Hornsey and

Wood Green; and Jonathan Sayeed, Conservative M.P. for Bristol East.

This group is accompanied by U.S. Escort Officer Mr. James Moffett.

It is my pleasure now to present them and ask them if they will rise and be acknowledged. [Applause.]

RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess for 2 minutes so we may have an opportunity to greet our visiting Parliamentarians.

There being no objection, the Senate, at 4:55 p.m., recessed until 4:57 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SPECTER).

The PRESIDING OFFICER. Two minutes having elapsed, we are back in session.

The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I have cleared the request I am about to make with the minority leader. I have discussed it with others who are principles of the debate which will occur on the Korean plane resolution. This is done to suit the maximum convenience of the most Members.

Mr. President, I am going to ask the Senate to change the convening hour for tomorrow in the following manner.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. on tomorrow.

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

ORDER FOR A PERIOD FOR THE TRANSACTION OF MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business from the expiration or yielding back of that time until the hour of 10 a.m. in which Senators may speak for not more than 2 minutes each.

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

ORDER TO PROCEED TO THE CONSIDERATION OF THE KOREAN AIR LINES RESOLUTION ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate then proceed to the consideration of the Korean plane resolution beginning at 10 a.m. on tomorrow.

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

Mr. BAKER. I thank the Senators for permitting me to make these arrangements, and I now yield the floor.

THE WAR POWERS ACT

The PRESIDING OFFICER. The Senator from Tennessee.

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Mr. SASSER. Mr. President, I rise today to join my colleagues and speak to the importance of the war powers resolution attendant to the current conflict in Lebanon.

The continuing conflict in Lebanon is a mushrooming international problem, and this conflict is escalating as far as involvement of American forces are concerned.

We began by evacuating the PLO from Beirut, and that was a successful operation. We then reinserted our Marine contingent in Lebanon after successfully taking them out following the evacuating of the PLO, and we are now being gradually committed to defending the Lebanese army under certain circumstances.

Twelve hundred Marines have been stationed in Lebanon since September of 1982 as a part of the multinational peacekeeping effort. Several Marines have been killed and many have been wounded, and just yesterday 2,000 more Marines arrived on station off the coast of Lebanon ready for immediate deployment. And on September 8 a U.S. naval vessel shelled Druze artillery positions that were believed to be endangering positions held by the U.S. Marine Corps.

Mr. President, our fighting men are in a deeply precarious position in Lebanon and they are being asked to keep the peace. They are doing their best to do that, to keep the lid on in Lebanon. But they are being put in combat situations day in day out, and presently do not have full-scale authority to pursue or to destroy their attackers. They are being shot at, they are being killed, they are being wounded. They are on occasion shooting back and they are drawing combat pay.

Now, make no mistake about it, Mr. President, there are factions in the Lebanese conflict that have no desire whatsoever to have the U.S. peacekeeping forces play their rightful role. These forces have no real stake in a peaceful settlement in Lebanon. On the contrary, they wish to prolong the conflict. They most likely would like to see Lebanon dismembered and destroyed as a sovereign nation, and if provocative attacks on U.S. Marines will help toward that end, they are prepared to undertake such attacks.

Yet despite the growing conflict the President has not moved to invoke the war powers resolution and by refusing to acknowledge the need to put the war powers resolution into effect the administration is apparently, for some reason known only to itself, refusing to attempt to build a national consensus about the extent of our involvement in the Lebanese crisis.

This is most troublesome and I submit, Mr. President, highly dangerous. U.S. Marines in Lebanon have been described as sitting ducks in this escalating conflict. They are trying to keep the peace in an environment that is anything but peaceful. But no less importantly it appears this administration is totally disregarding the posi-

tive value of the war powers resolution.

The war powers resolution of 1973 came about as a result of our involvement in Vietnam and is one of the most important foreign policy instruments that we have. Very simply the resolution insures that the collective judgment of the Congress and the President will be used when our Armed Forces are introduced into hostile situations or into situations where hostilities may be imminent.

Now, if the President were to indicate to the Congress that our Marines have been engaged in hostilities pursuant to the language of the statute or faced imminent hostilities, the Congress would have 90 days in which to specifically authorize the presence of U.S. Marines in Lebanon or they would be withdrawn.

I believe the President should set the war powers resolution into motion. When troops are being shot at, when they are returning fire, when troops are being killed and wounded, when troops are drawing combat pay, then I believe, Mr. President, they are engaged in hostilities and certainly hostilities are imminent.

I believe it would be proper and fitting if we should have a national debate about the extent of U.S. involvement in the Lebanese situation. As a nation we remain committed to the course of peace in Lebanon and in all of the Middle East, but that goal should always be discussed and debated in a public forum in a democracy. The war powers resolution is the proper vehicle for the debate about the Lebanon situation.

Second, Mr. President, by putting the war powers resolution into effect the administration is bound to make a full report to the Congress on three levels: First, the circumstances necessitating the introduction of our Armed Forces into Lebanon; second, the constitutional and legislative authority under which the introduction of such Armed Forces take place; and, third, the estimated scope and duration of the hostilities or involvement of our Armed Forces.

In short, the war powers resolution will help to provide the American public with the information they need to appraise the nature, scope, duration, and, indeed, worthiness of our involvement in Lebanon.

It goes without saying that the American people have the right to know about the full extent of our involvement in Lebanon. The war powers resolution will provide them with that information.

Finally, the war powers resolution makes the Congress as well as the President accountable for what is happening in Lebanon with regard to forces of the United States of America. It requires the Congress to make a decision within 90 days as to whether our Armed Forces will continue to be stationed in Lebanon.

Now, I have no doubt that there may be strong sentiment for keeping our forces in Lebanon if it can be clearly shown that their presence there will promote the peace. But I also believe firmly that the American people want all of their political leaders, not just the President, to be accountable for that decision, and to bring their collective wisdom to bear.

I have no doubt, Mr. President, that as the debate on the Lebanon situation unfolds, and if the facts warrant, the American people will not shirk from continuing to try to keep the peace in that area even if it means a continued military presence, but only if the facts show after debate that peace can ultimately be promoted by the presence of Armed Forces of the United States of America.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be relatively brief. Much of what I have to say will be redundant based on what I have heard said thus far this afternoon.

As far as I see it, several things are very clear. First of all, since September 1982, when the Marines were sent as part of the multinational force, I believe they were entering into an area of hostilities.

Some disagreed with that assertion of mine back then in the Foreign Relations Committee, but I think they are hostilities. And I think the War Powers Act should have been triggered immediately and have so stated in the past.

But I do not know how anyone can deny since August 28, 1983, about a year later, after they had been there a year and four more Marines had been killed, at that time two, and we are sending air strikes, as we should under the circumstances, up into the mountains and we have amassed additional Marines off the shore, that we are not in combat hostilities. The fact of the matter is they are required to return this fire. We are not merely a peacekeeping force, although that is the purpose. They are, in fact, in hostilities. They are in a war.

I find it interesting that some of my older colleagues—and the President of the United States is somewhat older—always point out the bravery and heroism, which is true, of those who fought in World War II. Well, one of the things that I find continually being denied my generation, whether it was in Vietnam or even now, is the notion that their efforts to keep the peace, in the same sense we have attempted to keep the peace in World War II, the Korean war and Vietnam, that their efforts are not even given the courtesy of acknowledging that they are risking their lives. They are as much in combat as anyone who was in the Battle of the Bulge or anyone who was in any famous battle in which Americans distinguished themselves.