

FROM: THE OFFICE OF U.S. SENATOR BOB DOLE
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July 16
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FOR IMMEDIATE RELEASE

The following brief has been filed with the Federal Communications Commission in support of eleven U.S. Senators' request for free, equal time to present opposing views to the "Amendment to End the War."

We eleven United States Senators, whose names appear below, hereby submit this brief in support of our letter of July 10, 1970, to the Federal Communications Commission (see attachment 1) in which we requested that the National Broadcasting Company (NBC) grant us comparable time without cost to present contrasting and opposing views to the May 12, 1970, NBC program which supported the "Amendment to End the War." It is respectfully requested that this brief be associated and considered in connection with our July 10, 1970, letter request.

REQUEST FOR EXPEDITIOUS CONSIDERATION

As a preliminary matter, we first wish to emphasize the need for expeditious action on this matter. The Senate has tentatively scheduled debate on the Military Procurement Authorization Act -- including the "Amendment to End the War" -- the week of July 19, 1970. Unless the requested time to present contrasting views is granted prior to final passage of that legislation, the issue will be rendered moot.

STATEMENT OF FACTS

On May 12, 1970, a one-half hour prime-time program sponsored by the "Amendment to End the War" Committee was televised by NBC (see attachment 2). This program dealt with the general issue of the Indochina War, but, more specifically, sought legislative and monetary support for the so-called "Amendment to End the War" (Amendment 609 to H.R. 17123, Military Procurement Authorization Act) and the supportive "Amendment to End the War" Committee.

July 7, 1970

Mr. Julian Goodman
President
National Broadcasting Company
30 Rockefeller Plaza
New York, N.Y.

ON MAY 12, 1970, A 30-MINUTE PROGRAM SPONSORED BY THE AMENDMENT TO END THE WAR COMMITTEE WAS BROADCAST ON NBC-TV. SINCE NBC HAS NOT BROADCAST CONTRASTING VIEWS, I RESPECTFULLY REQUEST THAT SENATORS OPPOSED TO THE END THE WAR AMENDMENT BE GRANTED EQUAL TIME, WITHOUT COST, SO THAT THE PUBLIC MAY BE INFORMED AND THE FAIRNESS DOCTRINE COMPLIED WITH. YOUR IMMEDIATE RESPONSE WILL BE APPRECIATED.

BOB DOLE
United States Senate

THE HONORABLE ROBERT J. DOLE
SENATE OFFICE BLDG. WASHINGTON, D.C.

IN RESPONSE TO YOUR TELEGRAM TODAY TO JULIAN GOODMAN MAY I POINT OUT THAT THE NBC TELEVISION NETWORK HAS PROVIDED MANY OPPORTUNITIES SINCE MAY 12 FOR SPOKESMEN OPPOSED TO THE VIEWS EXPRESSED ON THE PROGRAM SPONSORED BY THE COMMITTEE ON THE AMENDMENT TO END THE WAR. IN ADDITION TO COVERAGE IN OUR REGULARLY SCHEDULED NEWS PROGRAMS PRESIDENT NIXON ADDRESSED THE NATION ON THE SUBJECT OF CAMBODIA ON JUNE 3 AND DISCUSSED MANY OF THE ISSUES INVOLVED IN THE WAR IN SOUTHEAST ASIA IN A SPECIAL BROADCAST ON JULY 1. MANY OTHER SPOKESMEN OPPOSED TO THE HATFIELD-McGOVERN AMENDMENT HAVE APPEARED ON THE TODAY PROGRAM INCLUDING SENATOR McCLELLAN SECRETARY LAIRD AND EDMUND J. GULLION. SECRETARY LAIRD AND GENERAL EARLE WHEELER ALSO APPEARED ON A SPECIAL PRIME-TIME EDITION OF MEET THE PRESS ON JUNE 4 TO DISCUSS ISSUES RAISED BY THE INCURSION INTO CAMBODIA. SENATOR PETER DOMINICK AND GENERAL MAXWELL TAYLOR ARE SCHEDULED TO APPEAR ON A SPECIAL PROGRAM ON THE SAME SUBJECT TO BE BROADCAST FROM 7:30-8:30 PM ON THURSDAY JULY 9. IN OUR JUDGMENT THOSE WHO OPPOSE THE AMENDMENT TO END THE WAR HAVE HAD FULL OPPORTUNITY TO EXPRESS THEIR VIEWS AND WE RESPECTFULLY DECLINE YOUR REQUEST FOR A SPECIAL PROGRAM DEVOTED TO THIS ISSUE.
CORYDON B. DUNHAM VICE PRESIDENT AND GENERAL ATTORNEY, NATIONAL BROADCASTING CO INC NEW YORK

ATTACHMENT NUMBER THREE

(page 2)

July 9, 1970

Mr. Julian Goodman
President
National Broadcasting Company
30 Rockefeller Plaza
New York, N.W.

I RENEW MY REQUEST FOR EQUAL TIME TO RESPOND TO STATEMENTS MADE BY SO-CALLED "END THE WAR" SENATORS ON NBC MAY 12. NBC HAS NOT PRESENTED CONTRASTING VIEWS ON THE AMENDMENT ITSELF. THE COVERAGE OUTLINED IN THE TELEGRAM FROM C.B. DUNHAM DID NOT IN ANY WAY DEAL DIRECTLY WITH THE SO-CALLED "END THE WAR" AMENDMENT. REPORTEDLY OVER ONE HALF MILLION DOLLARS HAS BEEN RAISED AS A RESULT OF THE NBC PROGRAM ON MAY 12. NUMEROUS SENATORS OPPOSE SOLICITATION BASED ON EMOTION AND THE AMENDMENT ITSELF. RESPECTFULLY REQUEST NBC RECONSIDER MY REQUEST OF TUESDAY, JULY 7.

BOB DOLE
United States Senate

THE HONORABLE BOB DOLE
UNITED STATES SENATE WASHINGTON DC

THIS WILL REAFFIRM THE REPLY SENT YOU YESTERDAY AT MY REQUEST BY NBC VICE PRESIDENT AND GENERAL ATTORNEY CORYDON B. DUNHAM. NBC HAS AFFORDED AMPLE OPPORTUNITY FOR COMMENT BY ALL SIDES ON THE ISSUES RAISED BY YOUR TWO TELEGRAMS, AND I AM SURE ADDITIONAL OPPORTUNITY TO COMMENT ON THE "END THE WAR" AMENDMENT WILL BE POSSIBLE ON TONIGHT'S SPECIAL NBC NEWS PROGRAM TITLED "CAMBODIA-RIGHT OR WRONG?" WHICH WILL BE TELEVISED OVER THE NBC TELEVISION NETWORK SEVEN THIRTY TO EIGHT THIRTY PM. WE MUST RESPECTFULLY DENY YOUR REQUEST FOR RECONSIDERATION OF THE PROPOSAL IN YOUR TELEGRAM OF JULY 7 THAT YOU BE GRANTED EQUAL TIME WITHOUT COST TO THE THIRTY MINUTE PROGRAM BROADCAST ON NBC MAY 12, 1970.

JULIAN GOODMAN PRESIDENT NATIONAL BROADCASTING COMPANY INC.

In fact, the purpose for the broadcast was clearly stated at the outset of the program. It was not, as NBC has implied, to make a case against Administration Indochina policy; rather, the program was designed, in the words of its sponsors, to provide five of the twenty Senators who cosponsored the "Amendment to End the War" the opportunity "to make a case for this amendment." (See attachment 2).

In order that the public might be fully informed on this controversial issue and in accordance with the Fairness Doctrine, a telegram was sent to the President of the National Broadcasting Company, Mr. Julian Goodman, requesting broadcast time to respond to that program. The telegram specifically requested time for Senators who oppose the "Amendment to End the War" to present contrasting views. In its response, NBC rejected this request for comparable, free time to counter the May 12 broadcast. Mr. Corydan B. Dunham, an NBC Vice President, cited various televised speeches by President Nixon and news programs which dealt with "many of the issues involved in the war in South-east Asia." But the network failed to cite one instance where the specific subject of the May 12 broadcast -- "The Amendment to End the War" -- was discussed by an opponent of the legislation.

On July 9, a second request to NBC for broadcast time to present contrasting views specifically on the "Amendment to End the War" was made. It was pointed out in the telegram that the coverage NBC cited as presenting both sides of the issue did not deal directly with the amendment. It was made clear in the second telegram that the issue was not contrasting views of overall Indochina War policy, but specifically Amendment Number 609 to H.R. 17123, and the solicitation of monetary support. Disregarding this consideration, NBC again rejected the request in a telegram from Mr. Goodman, who pointed to an hour-long broadcast on the issue of Cambodia televised on July 9 -- a program which did not deal in any substantial way with the "Amendment to End the War" (see attachment 3).

ARGUMENT

The obligation of NBC to present contrasting views on this important legislation is a basic and fundamental one. In the Commission's 1949 Report on Editorializing By Broadcast Licensees, the Commission stated in Paragraph 18:

"Thus, in appraising the record of a station in presenting programs concerning a controversial bill pending before the Congress of the United States, if the record disclosed that the licensee had permitted only advocates of the bill's enactment to utilize its facilities to the exclusion of its opponents, it is clear that no independent appraisal of the bill's merits by the Commission would be required to reach a determination that the licensee had misconstrued its duties and obligations as a person licensed to serve the public interest."

Previously, the Commission in Paragraph 9 stated:

"We do not believe, however, that the licensee's obligations to serve the public interest can be met merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for broadcast time. If, as we believe to be the case, the public interest is best served in a democracy through the ability of the people to hear expositions of the various positions taken by responsible groups and individuals on particular topics and to choose between them, it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints."

It is an equally fundamental concept of the Fairness Doctrine that where a station or network chooses to broadcast a sponsored program which for the first time presents one side of a controversial issue, a presentation of contrasting points of view cannot be rejected on the grounds that paid sponsorship is not available for these views. Cullman Broadcasting Co., Inc., 25 RR 395 (1963). See also Red Lion Broadcasting Co., Inc. et al v. FCC et al 395 U.S. 367 (1969).

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The broadcast of an appeal for contributions at the conclusion of the program to support opportunities by the participating Senators to "speak out" on the war issue raises additional unresolved problems. This appeal for contributions to promote legislation is within itself a controversial issue of public importance, also giving rise to an opportunity to present contrasting views. We note that NBC does not purport to claim that it has presented contrasting views on this matter. We raise the further question whether the real purpose of the broadcast was, as claimed, to present views favorable to the "Amendment to End the War" or whether the broadcast was not, in fact, a subtle and commercial venture to raise money. The appeal for funds was so clearly "interwoven" with the context of the program that a question is presented as to the real purpose of the broadcast. See, FCC Letter to KCOP-TV, Inc., July 1, 1970 (FCC 70-685).

CONCLUSION

Accordingly, it is respectfully requested that HBC be compelled to afford us comparable time to respond with contrasting and opposing points of view.

July 16, 1970

(signed)

Bob Dole	Barry Goldwater	Clifford Hansen
Edward Gurney	Paul Fannin	Carl Curtis
Robert Griffin	Ralph Smith	Gordon Allott
Peter Dominick	Strom Thurmond	

ATTACHMENT NUMBER ONE

Mr. Ben Waple
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C.

Dear Mr. Waple:

On July 7 a telegram was sent to the President of the National Broadcasting Company, Mr. Julian Goodman, requesting broadcast time to respond to a May 12 NBC program sponsored by the Amendment to End the War Committee. This program was a one-half hour prime time telecast which solicited funds in support of the so-called Amendment to End the War. On July 8, Mr. Corydon B. Dunham, an NBC Vice President, rejected this request for comparable, free time to counter the May 12 broadcast.

Then on July 9, a renewed request to NBC for broadcast time to present contrasting views specifically on the End the War Amendment was made. It was pointed out in the telegram that the coverage NBC cited as presenting both sides of the issue did not deal directly with the Amendment. Disregarding this consideration, NBC again rejected the request in a telegram from Mr. Goodman, who only pointed to an hour long broadcast on the issue of Cambodia in general which was televised July 9.

We feel that NBC has not presented contrasting views on the issue of the End the War Amendment as required by the Fairness Doctrine. And since the National Broadcasting Company has not recognized the importance of presenting both sides of the specific issue involved in the Amendment to End the War debate, our only recourse is to ask the Federal Communications Commission to compel NBC to grant us comparable time without cost to present the viewpoints of those who oppose the Amendment.

(signed)

Bob Dole	Barry Goldwater	Clifford Hansen
Edward Gurney	Paul Fannin	Carl Curtis
Robert Griffin	Ralph Smith	Gordon Allott
Peter Dominick	Strom Thurmond	

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AMENDMENT NO. 609—AMENDMENT
TO END THE WAR

AMENDMENT TO END THE WAR

May 12, 1970

NBC Telecast

Mr. Goodell, Mr. President, a bipartisan group of Senators purchased prime television time to explain the amendment to end the war—amendment No. 609 to H.R. 7123—to the American public and to seek support for it.

The half-hour broadcast marks the first time that a congressional group has produced such a nationwide program.

The program—"The Amendment to End the War"—was broadcast on Tuesday, May 12, at 7:30 p.m. over the NBC television network.

Senators GEORGE MCGOVERN, MARK HATFIELD, HAROLD HUGHES, FRANK CHURCH, and I participated in the program.

The amendment to end the war was drafted by Senators MCGOVERN, HATFIELD, HUGHES, and me and was introduced on May 5, 1970. It states that unless Congress shall have declared war, no moneys appropriated under the act to which it is attached, or under any other law, shall be used in Vietnam after December 30, 1970, except for the withdrawal of all American forces. It requires that the withdrawal of American forces from Vietnam be completed—that all American military personnel be pulled out—by June 1971, unless the President of the United States requests and Congress passes a joint resolution extending that deadline.

The amendment provides that no money shall be used for military operations in Laos after December 1970. And it provides that no moneys shall be authorized for any military operations in Cambodia or for military aid for that country 30 days following the adoption of the amendment.

I ask unanimous consent that the transcript of the program be printed in the Record.

Mr. President, last week the St. Louis Post-Dispatch carried an excellent editorial commenting upon the Cambodian invasion and the amendment to end the war.

I ask unanimous consent that the editorial and the text of the amendment be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

THE AMENDMENT TO END THE WAR: A NETWORK TELEVISION BROADCAST, MAY 12, 1970, NBC

(Participants: Senator George McGovern, Senator Mark O. Hatfield, Senator Charles E. Goodell, Senator Harold E. Hughes, Senator Frank Church)

NARRATION: Today, in the bright springtime of 1970, the United States of America has been ripped apart. Citizens bludgeon each other in the streets of New York. Students die in a campus eruption. Buildings explode. Banks burn. The Nation's colleges are shut down. The population is polarized, and there are parades of protest everywhere. Not since the days of the Civil War have Americans treated each other like this.

At the heart of the trouble lies the war in Vietnam. It is a strange war—a war that we have to keep explaining to ourselves year after year after year. And it is a difficult war to explain—particularly to the people who have to go and fight on its inconclusive battlefields.

May 13, 1970

CONGRESSIONAL RECORD — SENATE

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fulfillment. You who have worked so long and so energetically in the field of hunger in America, and poverty, with some 35 million people living in poverty, with the very substantial sinking of every major city in the Nation, with the great, basic, underpinning of this Nation that has always kept it afloat, with those minorities in now being bombed and bombed off in the name of somehow saving face in Southeast Asia, you know.

So when we talk, I think you would agree that there seems to be a great paradox in this.

Senator GOODELL. The cost of the war last year was \$23 billion, so you can say in just about specific terms that 1 year's cost of this war would clean up all our waters in the United States.

Senator HATFIELD. The half hour that this program is being telecast to the American people, to reduce that or to translate that into terms of the cost of the war; the Federal Government will be spending \$1 million just in this one-half hour period.

Senator GOODELL. In Vietnam.

Senator HATFIELD. In Vietnam. Just in Vietnam.

Senator CHURCH. Mark, you know the argument is made that the world will think we're weak if we withdraw from Vietnam. I think that of all the arguments that are made, that is the least impressive. Actually, the world knows that we have the power to exterminate every living inhabitant of Vietnam. If we unleashed that power we could salt it over the way Rome salted over Carthage.

It's not our power that's in question out there. It's the wisdom of our policy; and the world sees the biggest, richest, strongest nation dropping more bombs on North Vietnam than we dropped on all Europe in the Second World War. They see this tremendous disproportion of strength and wealth, and that puts us in a very bad light in the world.

In fact, this war has done more to undermine America's moral leadership in the world than anything that's ever happened to us, and the faster we put the matter right in Southeast Asia and end this war, the sooner we will begin to win back again the respect that this country ought to have throughout the world.

Senator HUGHES. What do you say to people who are really concerned, and I know they're concerned, about the fact that we'll lose face in the world, you know, that we'll really not be a first rate power, as has been implied by our Chief Executives in the past and in the present? And the concern of honest Americans who want to get out of the war; who want to stop the killing and the dying, and yet they say this is America's place in the world, that unless we accept this challenge we're somehow failing in world leadership.

I think this is the question in the minds of millions of Americans today.

Senator HATFIELD. What constitutes leadership? Not just power of armament, but power of ideals. And I say that we are losing in the world today by continuing to be in Vietnam.

It's not a matter of national pride. It's a matter of whether we're practicing what we preach. It's a matter of whether our ideals that were embodied in the Constitution, in the hearts of the American people, are really at the center of our policy, or whether we're out here with some peripheral object of face-saving, and so forth. I say, if it's to be humiliated to admit we're wrong and to save lives, then the sooner we do this, the better it's going to be for our nation. But I don't consider it humiliation. I consider it greatness, because only the powerful can take the chance of admitting error, and we're that powerful today.

Senator GOODELL. And most civilizations that have died, have died from within; and

that is happening now in the United States of America if we don't get out of this war.

Senator CHURCH. We clothe this war in the sacred words of "justice" and "freedom" and "peace." But justice and freedom and peace aren't at stake out there. You know, the Government that we're supporting is not a democratic government, it's an incompetent and corrupt military dictatorship; and it's involved in a war with another dictatorship. This is a war between two dictatorships for control of Vietnam.

So I think we make a grave mistake when we try to clothe such a war in terms of the ideals for which this country should stand. Freedom is not at issue for the people of Vietnam. One way or the other, the kind of freedom that we know is not going to be the gift of this war out there.

Senator HUGHES. I think the gut question, though, Frank, and particularly George, when we're talking about this Amendment to End the War, to most Americans is, how can I support this Amendment and at the same time support my country in an involvement we've had over the last 15 years. And I think if people could resolve this in their own minds, you know, they'd very willingly bring this war to an end through this Amendment.

Senator McGOVAN. Now, the President said the other night that if we leave Vietnam now, we're going to be through, or I think he said we're going to be finished as a peacemaker in Asia. Well now, I think we ought to quit trying to be the policeman for Asia. Let's quit trying to be a solo policeman and banker and pacifier in Asia alone. How ironic it would be if at long last we succeeded in pacifying Southeast Asia and couldn't pacify our own society.

Senator HUGHES. The invasion of Cambodia, I think, was truly the straw that broke the camel's back. They're writing to me at about 8 to 10 to one against the President's posture right now in Southeast Asia; and in the belief and the hope that the Senate of the United States will offer the leadership, you know, to alter this posture.

Senator GOODELL. Everything we have said here tonight is completely unpartisan. I think we have all been as critical of the Democratic Presidents as we have of Republican Presidents, and we should not be considering this in terms of political or partisan advantage one way or the other. This war transcends partisanship, and I know a great many Republicans as well as Democrats who think our policy now is wrong, and we ought to get out. I think the overwhelming number of all Americans, whatever their political party, believe this.

Senator McGOVAN. I think what we're trying to do with our Amendment to End the War, is to say that that is too important a decision to place on the shoulders of one man. It's too big a risk to ask one man to decide alone. The President ought not to have to make that judgment alone, and under the Constitution, he's not supposed to make that decision alone.

What we're proposing to do is to share that responsibility, and whatever political risk, whatever opportunity, whatever hazard is involved in making the decision to end this war, we're prepared, as elected officials, to stand up on that question and answer yes or no, and then take whatever blame or whatever credit is involved.

Senator GOODELL. In effect, we're providing a situation where the President can withdraw faster, where he can make a determination the war is going to end by a fixed date, and he will not bear the whole onus, himself. We recognize that when you've made such a tragic mistake, there's no painless way to get out of that mistake. We're saying, "We'll share that pain, we'll share that responsibility. But let's recognize the mistake and get out of it."

Senator HUGHES. What do we say to the American parents who have sons fighting

in Vietnam? Is this a patriotic move that we are taking in this Amendment to End the War? Is this support of their sons and of our fighting men in Vietnam?

Senator GOODELL. There is no better way to protect the young men who are fighting over there than to bring them home; and I don't know of any military person in any responsible position, who doubts that if we made our declaration, "we're coming out," that they would be brought home safely then.

As long as we stay there, the casualties are going to go up, and if President Nixon's program works, over the next three years, we are talking about a minimum of 5,000 more American dead, and probably closer to 20,000. Four or five times that many casualties, and four or five times that many Vietnamese deaths in the process. Not to mention the billions of dollars involved.

Senator McGOVAN. But now what we're proposing is not a disorganized and uncoordinated outcry. We're proposing a specific legislative Act that will have the full force of law, and it will say in effect, no more money for Southeast Asia for any purpose other than arranging for the systematic and safe withdrawal of our forces, for the exchange of prisoners, for asylum for those people that might be threatened by our withdrawal. It's an orderly, Constitutional procedure for bringing about an end to this war.

Senator CHURCH. Now, this brings the Congress back to the role that it should have been playing all along. It asks the Congress to assume its responsibility to the American people, and it brings our democratic system back to life again in a balanced, Constitutional manner; and that in itself is as important in the long run to the life of this Republic as ending the war in Vietnam.

Senator HATFIELD. What do we say to the American people who have been watching, and who would say, "Well, we agree with you, but our voice is not very loud. I'm only one person, I'm just a little person, so-called little person." You hear that many times. Does that voice have a place in this whole great issue of war and peace?

They say, "We're tired of speeches. We want some action." A lot of the young people say this to us. A lot of the older people say, "All right, turn it off. We agree with you, but what have you done about it? What can you do about it, what can we do?"

Senator CHURCH. We're asking people to make their views known responsibly to their Congressmen, and we're asking the Congress and the Senate of the United States particularly, to begin to assume its responsibility under the Constitution. For years, and years now we've abdicated. We've given all the power to the President when it came to war. We've sat on our hands and done nothing, and hoped that the people would look the other way.

Well, the time has come to reassert our responsibility and to stand up and vote on the question of war or peace.

Senator HATFIELD. You know, we've sort of enshrined silence as the virtue of patriotism in the last year or so; and actually, I think the highest patriotic duty that any citizen has is to speak up, to speak his convictions and his mind. That's the hope that we've got to give to all American people. That there is this method, there is this channel open to them, and that we, and others like us on this end of the power structure, so to speak, are receptive. We're not only receptive, but we're inviting them to participate in this Amendment to end the War.

Senator HUGHES. This is what we must do. We need their help. Even if we had 30 Senators presently on this Amendment, we need the help of the people of the United States. There's no other way that we can succeed; and the voice of the people counts in the final analysis. If I'm to exercise my judgment and to follow my conscience in a post-

But while all the talk goes on, the war goes on, too. It continues tonight, as it has continued for a decade. Tonight, Americans will die in Vietnam. Tonight, Americans will die in Cambodia.

What can we do?

Last week, amendment No. 609 was introduced on the floor of the United States Senate. It was cosponsored by a bi-partisan coalition of twenty Senators. These Republicans and Democrats call it the amendment to end the war. They regard it as a realistic new thrust for peace. The Senate debate on it will begin in just a few days.

In the next half hour, five of these Senators will make a case for this amendment. If the American people can effectively urge its passage upon the Members of the House and Senate, if "the amendment to end the war" is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress where it belongs.

Through protest . . . petition . . . and an act of law, we shall have at last ended the Vietnam war.

And now, Senator George McGovern of South Dakota.

Senator McGovern. There is no way under the Constitution by which the Congress of the United States can act either to continue this war or to end it, except by a decision on whether we will appropriate funds to finance the war.

Article I, Section 8 of the Constitution reads as follows: "The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Senator FURBER. Our amendment to end the war fulfills the obligations that we have under the Constitution. The amendment clearly states that unless the Congress shall have declared war, that no monies appropriated on the act to which we attach the amendment, or any other law, shall be used in Vietnam after December 30th, 1970, except for the withdrawal of American troops and other provisions.

It provides that no money shall be used for military operations in the country of Laos after December of 1970. It provides that no monies shall be authorized for the use of any military operations in Cambodia, thirty days following the adoption of the Amendment; and that all troops shall be withdrawn from Vietnam, all American troops, by June 1971 unless the President of the United States shall deem that it is important enough to extend that time by requesting the Congress to pass a Joint Resolution authorizing such extension time.

Senator HUGHES. The Amendment to End the War provides continuing funding for full protection of American troops during the total period of our withdrawal. It also provides adequate funding to provide political asylum for all those South Vietnamese and other civilians for which there may be great concern about a bloodbath; and there are adequate provisions that these civilians may be placed in other places for their own protection.

It also provides for a continuing negotiation of exchange of prisoners.

Senator CRUICK. Very soon the Senate will be acting on another Amendment offered by Senator Cooper and myself, which is addressed to the Cambodian situation and sets the limits on that adventure to those declared by the President.

But this End the War Amendment takes the full step, and provides an orderly method for the extrication of the United States from the war in Vietnam, itself.

Senator McGovern. And so what we're looking for is a reasonable way to accomplish that withdrawal, and I think that the principal stumbling block now is that we're somehow worried about losing face. We're worried about embarrassing the poli-

cy makers that sent us in there. We're worried about admitting that perhaps we made a mistake.

Actually, I think it would contribute to the greatness of the United States if, as a free people, we could just admit that we're capable of making a mistake; and then do the best we can to put an early end to it.

Senator HUGHES. Vietnamization is not a change in policy at all. It's a continuation of the old, old policy. It is dedicated to war, not to peace. It means that the war will go on and continue to go on for years to come. It means that there has been no one speaking, in this Administration or the last, of an end to our support commitment in Vietnam.

It means that we can look into the future for at least a decade, in all probability, to a quarter of a million men involved in Vietnam. I think every mother and father in America who has a son right now that's five, or six, or seven years old, or anywhere up to 15 or 16, should well realize that that boy is going to be involved in our future commitment in Vietnam under existing policy.

Senator GOODELL. We have come to the point where we realize, and I think the President realized when he went into Cambodia, that Vietnamization will not work; and it was an admission of the failure of Vietnamization.

I think it's time that the American people recognize that the President doesn't have the power to declare war or make war, alone. He can ask Congress to declare that power; and I think that's why what we are discussing here, and urging support from the American people for, is so important.

Congress can do this, and it's not an irresponsible action; and with the walls all falling down around American prestige and power in the world if we decide we're going to get out. Congress would simply be saying, "Okay, we've fought for seven years, we've bled and died, and we've spent our resources on this; and now the time has come to say to the South Vietnamese, 'take it over. We'll give you time. Over a period of time we're going to be withdrawing and you can go on getting aid if you fight for yourself in your own civil war. We're not going to stay there and fight and bleed and die for you any longer.'"

Senator HARTZEL. But the point is simply this: It's no longer the opinion of Presidents, and no longer the opinion of Senators; it's the evidence of history, of over 40,000 deaths, and this amount of resource expended that has proven each one of those escalations to be wrong. And I say, how many more American men have to be heaped upon that funeral pyre of war to disapprove a theory or a doctrine of military action that has been proven wrong each time that it's been acted upon.

Senator CRUICK. After all, the United States is not going to impose any permanent solution in Asia to settle Asian problems among Asian people on the Asian mainland. Now, the idea that we are going to do that is—runs against the whole current of history.

Now, what's happening in Asia is that the western powers are moving out, and that the Asians are taking over for themselves; and Vietnamization, as it's been pointed out here, is not the method for extricating us from this morass. It will merely perpetuate our involvement in this war. Half of the troops may come home; the other half will stay indefinitely; and it does not serve the interests of the United States to maintain a permanent military base in Southeast Asia.

Senator GOODELL. The President reiterated the other night that he was going to continue to bring back these 150,000 men in the next 12 months. Now, many Americans may feel that that means they're all going to be coming back, and nobody's going to be going.

Under a policy of bringing back 150,000 men in the next 12 months, we will send to

South Vietnam 270,000 men who are not there now, who are now in the military or about to go into the military; and we'll bring back more, 150,000 more than we send, but in the rotation process there will be this 270,000 men go over there to fight, and perhaps die.

Senator McGovern. And what would we have accomplished, or what evidence is there based on past history, to lead us to believe that we would be in any better position, or that South Vietnam would be in any better position, 1 year or 5 years or 10 years hence, after tens of thousands of additional Americans have been killed, than we are now? What would we have gained?

Senator CRUICK. We have created a "crisis of confidence," and a deep disillusionment and an alienation that doesn't just affect a narrow fringe of radicals on campus. Anyone who goes to the campuses knows that this feeling extends to millions of young Americans.

Now, if they grow up without a belief in this system, that, it seems to me, has far greater bearing upon the future of the United States than anything we have now, or have ever had at stake out in Indochina.

Senator HUGHES. I think one of the great, tragic byproducts of all of this, has been the spiritual scarring of our own people. The questioning in our own minds of why we're involved in a body-count war with total military supremacy, with indiscriminate bombing and far-ranging effects on the ecology of those nations by spraying chemicals, and driving the people off of the land into the cities, completely changing the complexion of that little nation involving sixteen to eighteen million people.

And we ask ourselves, can we be happy about the fact that we've killed 10,000 Vietnamese and suffered 300 deaths ourselves, and in the process that this complete psychology that we have of destroying life, you know, at any expense, and what the results of it are—

Senator CRUICK. It's brutalizing our own society.

Senator HUGHES. It's brutalizing us internally, and we find our young people turning away from it, fleeing to Canada to avoid a war they consider immoral and attitudes that they consider unrealistic in a time, in an age when we really are questioning ourselves to find national purpose again.

Senator McGovern. What we need to understand is that there is no way to separate the cost of this war in Asia, from the cost of our own society. Now, there were stories in the press recently that some of our poor people, some of the black citizens and other minority groups, have shied away from participating in protests against the war on the ground that their concerns are with hunger and with racism and with poverty.

But what I think all of our fellow Americans need to understand is that the answer to these other problems will not come until we put this war behind us, and the enormous drain that it's taking here in our society. The person who's worried about inflation ought to realize that war is a principal cause of it. The man who's worried about the stock market skidding ought to realize that the stock market jitters are associated, to a great extent, with the war.

And as you've said so many times, the Governors and the city councilmen and the others who are worried about where the money is going to come from for those new schools or new sewage projects or other things, they have to understand that the war is robbing them of those possibilities.

Senator HUGHES. We're talking about 10 to 18 million people in South Vietnam. There are 23 million blacks in America who have not been able to find justice in this great country. Untold thousands of American Indians who have never been brought to their

S7082

CONGRESSIONAL RECORD — SENATE

May 13, 1970

tion of responsibility, I must tell the people when I think we're right, and I must tell them when I think we're wrong; and expect them to support those positions, or to oppose them. But for Lord's sake, don't be quiet. Write, support or oppose, but do something in this critical time.

Senator HARTFIELD. If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write to your Congressman or your Senator. Just the simple words, "I vote for the Amendment to End the War in Southeast Asia."

Senator GOODELL. And there's something else you can do. Take a sheet of paper and write on the top, "We, the undersigned, favor the Amendment to End the War." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, where ever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

Senator HUGHES. The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator CHURCH. Remember that 68 cents out of every tax dollar now goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," post office Box 1A, Ben Franklin Station, Washington, D.C., 20044.

Senator MCGOVERN. Let me close this broadcast on a very concrete and specific point. What we are proposing here is that for the first time in the long history of this war, the Senate of the United States stand up and be counted yes or no, on the question of whether we wish the war to continue, or to be ended. We propose to do that in a vote that will come in a very short time. We pledge you that that vote will be held. This is not a sense of the Congress Resolution, it is not a debator's point; it is an act of law, which if carried, will put an end to this war in a systematic way. We ask earnestly tonight for your support in that effort.

President NIXON. Strive in every area of the world—

General WESTMORELAND. In 1968, a new phase is now starting.

President JOHNSON. General Westmoreland's strategy is producing results.

General WESTMORELAND. The enemy's hopes are dim.

President NIXON. If, when the chips are down, the world's most powerful nation acts like a pitiful, helpless giant—

Closing NARRATION. In just a few days, debate on the amendment to end the war will begin on the floor of the United States Senate.

If the American people can effectively urge its passage upon the Members of the House and Senate, if the amendment to end the war is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress where it belongs.

Through protest, petition, and an act of law, we shall have at last ended the Vietnam war.

systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance, to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces: And provided further, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

AMENDMENT No. 609 TO THE MILITARY PROCUREMENT AUTHORIZATION BILL (H.R. 17123)

Sec. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: Provided, That funds may be expended as required for the safe and