

ARMS AID CUTOFF LOOMS IN DISPUTE OVER U.S. SECURITY

Controller General Directs
End of Funding if Plans
Are Denied Congress

VICTORY FOR FULBRIGHT

'61 Act Is Invoked to Force
Pentagon to Reveal Its
Long-Range Program
AUG 19 1971

By MARJORIE HUNTER
Special to The New York Times

WASHINGTON, Aug. 18—
The Controller General of the
United States ruled today that
funding of foreign military aid
will cease Sept. 1 unless the
Nixon Administration meets a
demand by Congress for a mili-
tary-aid document.

The ruling by Controller Gen-
eral Elmer B. Staats marked a
major victory for the Senate
Foreign Relations Committee in
its continuing clashes with the
Administration over access to
secret Government documents.

Mr. Staats held that the Ad-
ministration must either pro-
vide the committee with its
five-year military assistance
plans or President Nixon must
formally, in writing, give his
reasons for withholding the
document.

Aid Cutoff Voted

The Foreign Relations Com-
mittee on July 29 voted, 15 to
0, to suspend all foreign mili-
tary aid unless the Defense
Department provided it with
the document, which Defense
Secretary Melvin R. Laird has
insisted does not exist.

The committee acted under
a provision of the 1961 Foreign
Assistance Act, which stipu-
lates that spending for foreign
aid will be suspended if,
within 35 days, the executive
branch has not supplied a docu-
ment requested by a Congres-
sional committee or the Gen-
eral Accounting Office.

If during that 35-day period
the President forbade the re-
lease of the document—and
gave his reasons for doing so
—the cutoff of funds would
not go into effect.

Pentagon Refuses to Comment

The Controller General, whose
General Accounting Office is
the investigative watchdog
agency of Congress, is author-
ized to disallow the spending
of funds that have been appro-
priated in cases in which he
finds noncompliance with the
law.

In his ruling today, Mr.
Staats held that it would be a
violation of the law if the Pen-
tagon failed to provide the re-
quested document or if the
President did not formally re-
fuse to make the information
available and did not state his
reasons. A Pentagon spokes-
man declined today to com-
ment.

Secretary Laird, in a letter
to the Foreign Relations Com-
mittee on Aug. 7, said that it
was impossible to comply with
its request because "we have no
document or documents which
constitute a current five-year
plan for the Military Assistance
Program in the Department of
Defense." As a result, he said,

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Cutoff in Military Aid Looms In Dispute Over U.S. Secrecy

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the provision in the Foreign As-
sistance Act calling for a cut-
off in funds did not apply.

Senator J. W. Fulbright,
chairman of the Foreign Rela-
tions Committee, said today
that Lieut. Gen. Robert H.
Warren, Deputy Assistant Sec-
retary of Defense for Military
Assistance and Sales, had
acknowledged the existence of
such a five-year plan.

Mr. Fulbright said that Gen-
eral Warren, testifying before
an appropriations subcommittee
on June 24, was asked to sup-
ply a five-year projection of
the military assistance pro-
gram. Mr. Fulbright quoted
General Warren as replying
that he was not authorized to
release such information and
that over the years, the five-
year plan for military assist-
ance program had been con-
sidered an internal, tentative
planning document.

Mr. Fulbright also quoted
General Warren as saying that
"inasmuch as a determination
by the President relative to the
release of the five-year plan
outside of the executive branch
is required in these circum-
stances, the Department of De-
fense is unable to comply with
the subcommittee's request
pending the Presidential deter-
mination."

A Two-Year Battle

Mr. Fulbright said he felt
that "the record shows beyond
any reasonable doubt that the
Department of Defense has a
document or documents which
it has repeatedly referred to as
a 'five-year plan'."

For more than two years
both the Senate Foreign Rela-
tions Committee and the Gen-



The New York Times
Elmer B. Staats

eral Accounting Office have
sought repeatedly to obtain the
plan. The committee has also
clashed with the Defense De-
partment over efforts to obtain
other documents, including
studies of the Vietnam war and
the Tonkin Gulf incident. The
Pentagon study of the war was
finally made available to Con-
gress this summer.