

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce, which had been reported from the Committee on Commerce with an amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate proceeded to consider the bill.

ADJOURNMENT TO 11 A.M.
TOMORROW

Mr. McGOVERN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 7, 1970, at 11 a.m.

NOMINATION

Executive nominations received by the Senate May 6, 1970:

BUREAU OF MINES

J. Richard Lucas, of Virginia, to be Director of the Bureau of Mines.

HOUSE OF REPRESENTATIVES—Wednesday, May 6, 1970

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt do that which is right and good in the sight of the Lord.—Deuteronomy 6:18.

Almighty God, who knowest our needs before we ask and who art endeavoring to lead us in right and good paths, we turn to Thee in this fellowship of prayer seeking light for our lives, hope for our hearts, and strength for our spirits.

We come to Thee in the midst of the problems and perplexities of daily living praying for greater faith, for higher wisdom, for broader sympathies, and for deeper good will. We are tempted to doubt, to yield to moods of depression, and to become cynical. By the might of Thy spirit restore our souls and lead us into the green paths of righteousness, peace, and love for Thy name's sake and for the good of all mankind.

Guide our Nation in these troubled times. Bless our President, our Speaker, Members of Congress, and all who work under the dome of this glorious Capitol. Increase our influence for good in the world by our genuine reliance upon Thee and by our generous response to the needs of our fellow men. In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 403

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William L. St. Onge, late a Representative from the State of Connecticut.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil;

H.R. 2817. An act for the relief of Delliah Aurora Gamatero;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali So-may; and

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5106. An act for the relief of Rogello Tabhan; and

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 793. An act for the relief of Peter Chung Ren Huang;

S. 850. An act for the relief of Kwok Kwen Ng;

S. 1703. An act for the relief of Rosa Pintabona;

S. 1886. An act for the relief of Dr. Max Ruetger Hasche;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2490. An act for the relief of Miriam Lazarowitz;

S. 2526. An act for the relief of Angelo DiStefano;

S. 2820. An act to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia;

S. 2856. An act for the relief of Saul Blue-stone;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney;

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga);

S. 3037. An act for the relief of Dr. Shu-sum Cheuk; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

CONGRATULATIONS TO HON. EMANUEL CELLER

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Speaker, I would like to join my colleagues on both sides

of the aisle in extending best wishes to my good friend and colleague from New York, the dean of the New York delegation and the dean of the House, the Honorable EMANUEL CELLER, on the occasion of his 82d birthday.

Few men, in Congress or out of it, have made contributions to the national welfare that equal his accomplishments. He is responsible for three amendments to our Constitution—and what amendments. He was instrumental in securing for the people of the District of Columbia the vote in presidential and vice-presidential elections. In an effort to insure the full exercise of franchise on the part of all our citizens, he labored to abolish and saw abolished poll tax in presidential elections throughout the land. Finally, to remove the possibility of our Nation's plunging into chaos during a period of disablement on the part of the Chief Executive, EMANUEL CELLER worked hard to embody into our present laws provisions for such emergencies.

His uncompromising stand on anti-trust legislation is well known, and none of us who had anything to do with the spate of civil rights and immigration legislation that has come before Congress in the last decade will or can forget his unstinting and tireless work in the cause of justice and equality for all.

But I would fail my purpose were I to pay tribute only to his keen legal mind. EMANUEL CELLER is the great human being that he is because he possesses the qualities of understanding, compassion, courtesy, and humor to an extraordinary degree. All of us who know him know that we can call on him and be sure of a generous response—of sound counsel. His years with us have enriched us all. His presence in the Congress has helped us all to grow.

I again have the privilege of wishing you a very happy birthday, MANNY.

BIRTHDAY GREETINGS TO THE HONORABLE EMANUEL CELLER, DEAN OF THE HOUSE OF REPRESENTATIVES

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I am sure the Members of the House observed, as I did, the entry into the Chamber just a minute ago of the distinguished dean of the House, the gentleman from New York (Mr. CELLER) who has been a Member of this body for 48 years. He is still one of the most active and progressive

Members of the House. He still looks to the future. In his long and illustrious career no man has ever done more for his fellow man. He has authored and managed through this Chamber more constitutional amendments than any man in the history of the House. His fingerprints are on every important measure adopted by the Congress during the past five decades.

We love our dean, and we all wish him "happy birthday."

[Applause, Members rising.]

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, speaking for the Members on our side of the aisle, we join the Members on the other side of the aisle in unanimously extending to the dean of the House our very best wishes for many, many more years of health, happiness, and success.

I have always been amazed by his energy, his ability, and his leadership. It has been a great privilege and a pleasure to work with him on many occasions—and on some occasions to differ with him. He is a worthy foe in the give and take in the House of Representatives. On the other hand it is always a great benefit to have him on your side. He is a masterful debater and a skilled parliamentarian.

I can say in all honesty and sincerity that his long record, his accomplishments, will be indelibly written on the pages of history of the House of Representatives. I extend to him my very best wishes for continued health, happiness, and success.

Mr. ALBERT. Mr. Speaker, I thank the distinguished minority leader for his beautiful and sincere tribute.

I now yield to the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Speaker, I want to congratulate the distinguished gentleman from New York for another milestone in his illustrious career. I have noticed him countless times coming in here with 4 or 5 days of debate on very controversial bills, and he never showed the slightest sign of fatigue. I have read in the papers where some people want to get rid of me as chairman of the Committee on Armed Services because they say I have been here a long time, but I never read of anybody wanting to get rid of the distinguished gentleman from New York.

Mr. Speaker, speaking for the other young men of this House, I want to wish our distinguished chairman many more days of happiness, peace, and contentment, and I am sure that the House joins me in this wish.

Mr. ROONEY of New York. Mr. Speaker, I am proud to be able to join with my colleagues in wishing the distinguished gentlemen from Brooklyn, the Honorable EMANUEL CELLER, the happiest of days on his 82d birthday. There is not a Member of this body more respected, honored, or loved than our own MANNIE CELLER. MANNIE is, to be sure, the dean of the New York delegation as well as the dean of the House of Representatives, having devoted 47 years of his life to service

here in this body. But, oh, how much more he means to all of us than a mere compilation of years. We could all salute his tremendous accomplishments as chairman of the great House Committee on the Judiciary; or we could praise him for his splendid representation of his congressional district. But this would not suffice, Mr. Speaker, because MANNIE CELLER is so much more than that to all of us. He has been leader, confidant, counsel, supporter, and above all, friend, to so many of us over the years. How much he has meant and continues to mean to us. There are few words that can fully express my feelings toward my colleague and dear friend of many years, MANNIE CELLER, so let me just say a sincere happy birthday and add the wish that we celebrate many more here together.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have the privilege to revise and extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

EIGHTY-SECOND BIRTHDAY OF EMANUEL CELLER

(Mr. CELLER asked and was given permission to address the House for 1 minute.)

Mr. CELLER. Mr. Speaker, and Members of the House, I am indeed grateful for the warm feelings expressed on my behalf this day.

I wish to state during the 48 years I have been in this House I have been very happy and I have been content. As Ben Franklin said in his Poor Richard's Almanac, "Content makes a poor man rich; discontent makes a rich man poor." And thus it is with me, and that contentment is enhanced by the many wonderful friendships I have made among the Members of the House.

I think it was Oliver Goldsmith in the famous "She Stoops to Conquer" who said, "I love everything that is old: Old times, old manners, old books, old wine, and especially old friends."

Mr. Speaker, I have many friends, not only old but young, too, and I treasure those friendships. To have a true friend you must be a friend, and I have tried to be a friend to so many of my friends.

I am very, very happy and grateful for the expressions you have heard here this morning.

Oftimes those of us who have gone beyond, say, 50 are berated for our age, and some would like to toss us out like broken tools. Well, as far as I am concerned, I may be chronologically old, 82 in fact this day, but I feel that I am spiritually young and young in spirit.

There is an old adage, you know: the older the fiddle the sweeter the tune.

PROPOSAL TO SEND SPECIAL COMMITTEE TO SOUTHEAST ASIA

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, in view of the heated debate which has developed in Congress over the recent action of the President in sending American troops into Cambodia, as well as other aspects of the war in Southeast Asia, I have joined a number of my colleagues in cosponsoring today a bill calling for the Speaker of the House to appoint a special committee composed of 11 members—two from the Armed Services Committee, two from the Foreign Affairs Committee, and seven from the House at large.

This committee would proceed immediately to Southeast Asia and proceed to investigate all aspects of U.S. military activity there and report back to Congress within 30 days of the date of adoption of the resolution.

It is not our purpose in offering this resolution to indicate any lack of confidence in the President or the manner in which he is conducting the war. Instead, we hope to be able to acquire and submit to the Congress factual information acquired by its own Members on the scene of action which can help to dispell doubt as to what is actually going on and to enable us to discharge our constitutional responsibilities more effectively.

CAMPUS DISORDERS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, avoidance of campus disorders is more important than control, and control is essential. Campus disorders are widespread and they have shaken the entire Nation. They have gone far beyond the bounds of peaceable protest. In a number of instances where they have erupted into violence, they have been met with firmness, and death and injury have resulted. This is inevitable when campus protests get out of hand. There are no campuses which require violence for solutions to student problems, and the unrest is often promoted by nonstudent outsiders who are professional agitators—some of them convicted law violators—and, in most cases, pro-Communists. Those who are not seeking an education should be required to get out of the way and leave room for others more dedicated.

Strict controls are necessary when these unfortunate incidents occur, even if someone gets hurt. The preferred course is to avoid them. It is inconceivable to me that this cannot be done. There can be little doubt but that attempts to provide campus discipline are too often nonexistent. College presidents have in many instances made a sorry show of providing leadership out of these problems in their formative periods. Some professors actually have encouraged what is taking place. The campus is now a haven for troublemakers and

college heads must face up to the fact that strong preemptive measures are necessary to head off more serious trouble. We are seeing the effects of failure to prepare for these problems. This is a year-round problem and it is part of a new phase of American life which cannot be ignored.

INTRODUCTION OF RESOLUTION CALLING FOR APPOINTMENT OF SELECT COMMITTEE TO CONDUCT FACTFINDING MISSION ON RECENT EVENTS IN SOUTHEAST ASIA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include pertinent material.)

Mr. MONTGOMERY. Mr. Speaker, on Monday I made known my intentions to introduce a resolution calling for the appointment of a select committee to conduct a factual and unbiased fact-finding mission of recent events and future aspects in Southeast Asia. Today, I am proud to announce there is a total of 56 sponsors of this resolution. The list of names includes Members from both parties and all political philosophies.

The only further comment I have at this time is a most humble request that this resolution be acted upon as soon as possible by the appropriate committee in order that the Members of this body may have the opportunity to work their will on the resolution. Time is of the essence.

I include the text of the resolution following my remarks:

RESOLUTION

Whereas, the use of United States troops in Cambodia and increased air activity over North Vietnam have added a new dimension to the war in Southeast Asia, and

Whereas, such use of the military forces of the United States has become the subject of intense debate in the Congress, and

Whereas, the Congress to fulfill its Constitutional responsibilities should have accurate and detailed information regarding the extent of the United States involvement in Southeast Asia.

Resolved, That—

(1) The Speaker of the House shall appoint a select committee of eleven Members of the House, two from the Armed Services Committee, two from the Foreign Affairs Committee, and seven from the House at large and shall designate one member to serve as Chairman, which select committee shall immediately proceed to Southeast Asia to investigate all aspects of the United States' military involvement in Southeast Asia. The select committee shall within 30 days of the adoption of this resolution report to the House the results of its investigation.

(2) For the purpose of carrying out this resolution the committee is authorized to sit and act during the present Congress at such times and places whether the House is sitting, has recessed, or has adjourned.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

I wish to congratulate the gentleman on his resolution. I believe it is a very necessary thing for so many of the

Members who have such agonizing decisions to make. I am happy to support the resolution. I agree that time is of the essence. I certainly hope there will be very early consideration of this very fine resolution. I commend the gentleman from Mississippi for introducing it.

TRAGEDY AT KENT STATE UNIVERSITY

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, all of America mourns the unbelievable tragedy which occurred at Kent State. Thousands of my constituents are students at this institution and our community is particularly hard hit.

Mr. Speaker, we find it impossible to believe that it was necessary to have young Ohioans fire on young students in Ohio. This kind of thing in other places is called civil war. Instead of sending guardsmen to the campuses of America, we in Congress have the responsibility of going to the campuses to listen and to hear the protests on our current national policies. These policies must withstand free and open discussion and debate in every segment of our society.

Mr. Speaker, the young people of America want to be included in the policy decisions which so critically affect their lives and the country.

GILBERT NATIONAL HEALTH INSURANCE BILL

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILBERT. Mr. Speaker, I introduce today a bill to establish a national health insurance program designed to extend to all Americans the medical protection so desperately needed.

Recent statistics have indicated that nine out of every 10 Americans are medically indigent and cannot afford to pay the high cost of care without severe economic sacrifice.

Our affluent citizens can afford the protection of medical care. Our poor are covered, as are the aged, by existing legislation passed by this Congress. Only the hard-working middle American is left to struggle by as best he can. It is somewhat ironic, Mr. Speaker, that the bulwark of our Nation—the worker—is the least protected today in terms of medical attention.

This bill is designed to end that inequity. It would provide comprehensive health benefits, including preventive care and physical examinations, full hospitalization, medical services including treatment by doctors, dentists, and other specialists.

Cost of the program would be financed by a 3-percent payroll tax for employers, a 1-percent payroll tax for employees and a 3-percent contribution from general revenues.

Medical experts tell us that if illness could only be treated during the early

stages, the chances for cure would be much higher in almost every circumstance. But the realities as they are today preclude that from happening for most American citizens.

We have a way before us now to improve the health of our people as our grandfathers never dreamed possible. I urge my colleagues to study the bill carefully and with due deliberation. For millions of Americans, his bill could be the most revolutionary, most important bill ever brought before Congress. It is, literally, a matter of life and death we have before us.

A MOMENT TO LISTEN AND UNDERSTAND

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, it is apparent that there will be thousands of young Americans concerned about the recent events in Cambodia and elsewhere coming to Washington. Those of us who participated in the campus task force last year under the leadership of the gentleman from Tennessee (Mr. BROCK) have served notice that we are more than willing to meet with those who come to this city. The members of the task force are: BILL BROCK, EDWARD BIESTER, GEORGE BUSH, LOU FREY, DONALD RIEGLE, BILL STEIGER, JOHN BUCHANAN, LAWRENCE COUGHLIN, MARVIN ESCH, JAMES HASTINGS, LARRY HOGAN, MANUEL LUJAN, DONALD LUKENS, PETE MCCLOSKEY, JACK McDONALD, JERRY PETTIS, ALBERT QUIE, TOM RAILSBACK, PHIL RUPPE, GUY VANDER JAGT, LOWELL WEICKER, and WILLIAM WHITEHURST.

I believe that it is important that those Members who will be here this weekend, and who are available, will take a moment to listen and help bring about better understanding with the young Americans who are concerned about what happens around them. It seems to me the Members of Congress can serve a very real function in being available and in being willing to listen and in being willing to help guide those who come.

Mr. Speaker, we should not underestimate the depth of feeling being expressed by so many. I would hope those who come to Washington will be given an opportunity to peacefully express their feelings. Violence will be counterproductive and will not contribute to understanding or changes in policy.

WILL THE REAL HATEMONGERS IN AMERICA PLEASE STAND UP

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, Vice President AGNEW continues to perform a tremendous public service by speaking forthrightly to the issues in America, expressing the basic sentiments of tens of millions of concerned citizens as the flames of violence and anarchy lick at our precepts and institutions. Recently Mr.

AGNEW gave the Washington Post near apoplexy by pointing out that Mayor Lindsay speaking at Berkeley, Calif., on April 2 saying that men now in power "are ready to support repression as long as it is done with a quiet voice and a business suit," really meant that "the people of America are ready to support revolution as long as it is done with a cultured voice and a handsome profile."

Lindsay's latest demagoguery is doubly disturbing to any thoughtful citizen: First, because it is calculated misinformation designed to set the stage for more hatred and increased violence, and second, because there is no valid basis for revolution by violence in the United States, and Lindsay and company well know this.

Those political extremists who deliberately take advantage of what they conceive as being the public mood of the hour, to project themselves into temporary public favor at the expense of the security of our society, do incalculable harm to this Nation. No better example of genuine hatemongering can be found than the Herblock cartoon published this morning in the Washington Post showing the boots of a military man standing outside a college surrounded by rocks and broken bottles with a box of ammunition labeled "Politics of Hate" and containing assorted bullets tagged "impudent snobs," college "bums," and so forth.

The real hatemongers of our time should stand up. In the front row will be the political extremists and those elements of the media that persist in grossly distorting the truth about America in her hour of need.

LET US BUILD THE STRENGTH OF OUR TWO-PARTY SYSTEM

(Mr. MORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORTON. Mr. Speaker, the following letter, written on the stationery of the Democratic National Committee and signed by Chairman Larry O'Brien, was received by a friend of mine:

DEMOCRATIC CONTROL COMMITTEE,
Washington, D.C.

DEAR FRIEND: If ever there was a time to help the Democratic Party, it is now.

I could give you many reasons why you should, but I have answered the Party's call because of mainly two:

One is President Nixon.

The other is Vice President Agnew.

Whichever reason you choose, please send us your membership contribution today and help Democrats win this year's all important elections.

The future of Richard Nixon depends on it! Sincerely,

LAWRENCE F. O'BRIEN,
National Chairman.

No one is more aware than I that politics is a hard game, and that part of the strength of the American political system is the competitive nature of the two-party system. On the other hand, it seems to me that a letter like this does not serve a constructive purpose.

We cannot escape the fact that the problems facing us in Southeast Asia,

in our own economy, and in the society had their origin in the decade of the 1960's. Presidents Kennedy and Johnson, though not of my political choice, were my Presidents as well as the Democrats. The record will show that on occasions we disagreed with their policies, but in a constructive way. In the main, you will find that Republicans did not downgrade them in a personal sense, nor did we tend to belittle the Presidency, on which rests so much responsibility.

I feel that Mr. O'Brien's letter, which I assume was sent to thousands of people because it is a plea for funds, is not in the best interest of the country, or for that matter, not in the best interest of the Democratic Party. Let us look more constructively than this in our attempt to build the strength of our two-party system.

UNREST ON COLLEGE CAMPUSES

(Mr. ESCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ESCH. Mr. Speaker, I rise to call attention to a letter which I have today sent to the President.

MAY 5, 1970.

DEAR MR. PRESIDENT: We share the mounting concern over recent events on our college campuses and the dangerous polarization between young people and the rest of society.

Irrespective of our views on international decisions or the probable causes of the unrest; we cannot allow our campuses to be torn asunder either by the militant few from within nor by some who would demagogue from without. As President, I realize you cannot and should not react to the demands of a dissident minority which speaks through violence. It is imperative, however, that this group not be allowed to speak for the vast majority of young people who are deeply concerned and highly responsible in their thoughts and their actions. Our real danger is that the moderate students are questioning society's ability to deal with their legitimate concerns.

As you so eloquently said in your Inaugural Address, it is now time for us to "lower our voices" and open channels of communication between the institutions of government, the campus, the young people and society as a whole. The dialogue is now weak, limited, and excessively emotional.

I therefore strongly urge you to call together in a nonpublic meeting the leaders of the academic community including administrators, faculty and students to discuss the mutual problems we face.

I recognize that such a meeting cannot address itself to the major international decisions which have aroused such great concern among our young people, except insofar as you wish it to do so. However, there is a major internal threat to the stability and control of our universities, and I believe that such a meeting could be a significant first step in the lessening of the tensions and a depolarization of the issues facing the campus and the nation.

With all respect,

MARVIN L. ESCH,
Member of Congress.

WHO STARTED IT ALL?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, some of us on this side of the aisle have been trying to support the President and help him get this war in Vietnam over.

But, it does not help very much to have the Republican national chairman constantly blaming it on the decade of the 1960's, and on the Democrats who preceded him.

Now, after all, it seems to me it ought to be about time pretty soon for the President to assume this responsibility on his own. If you want to go back and lay the blame for the beginning, it seems to me what we have been fighting about over there is a policy of containment—and that was not originated by any Democrat. I have been on the Committee on Foreign Affairs too long to be hornswoggled by that argument.

The policy of containment is the creation exclusively of a Republican Secretary of State by the name of John Foster Dulles.

WHO STARTED OUR TROUBLES?

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I remind the Members that the gentleman from Ohio who just spoke is one of the most profound scholars in this body. I think he is absolutely correct when he points out that our colleague from Maryland, the Republican National Committee chairman, was in error when he made the reference to the 1960's as the period when many of our troubles in this country commenced. History discloses that our basic problems stem from mistakes in the 1930's and the 1940's under the Roosevelt and Truman administrations.

CALL OF THE HOUSE

Mr. LEGGETT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 102]

| | | |
|---------------|-----------------|----------------|
| Andrews, Ala. | Gallifanakis | Pettis |
| Baring | Gialmo | Poage |
| Beall, Md. | Gray | Pollock |
| Berry | Hanna | Powell |
| Bevill | Johnson, Calif. | Roudebush |
| Biatnik | Kee | Scheuer |
| Brown, Calif. | Kirwan | Schneebell |
| Camp | Langen | Staggers |
| Clark | Long, La. | Taft |
| Clay | Lukens | Teague, Calif. |
| Conyers | McMillan | Teague, Tex. |
| Cramer | Madden | Thompson, N.J. |
| Dawson | Miller, Calif. | Tunney |
| de la Garza | Mollohan | Widnall |
| Dowdy | Moorhead | Wilson, Bob |
| Feighan | Passman | Yates |
| Flowers | Patman | Yatron |
| Foley | Pepper | |

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON
RULES TO FILE REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MILITARY PROCUREMENT, RE-
SEARCH AND DEVELOPMENT, AND
RESERVE STRENGTH, AUTHORI-
ZATION, 1971

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17123, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, April 30, 1970, there was pending the amendment of the gentleman from New York (Mr. REID), a substitute therefor offered by the gentleman from Illinois (Mr. FINDLEY), and the amendment to the Findley substitute offered by the gentleman from California (Mr. LEGGETT).

Without objection, the Clerk will again report the amendment, the substitute, and the amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. REID of New York:

On page 6, following line 8, add the following new section:

"Sec. 403. In line with the expressed intention of the President of the United States, no part of the funds authorized to be appropriated pursuant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

Amendment offered by Mr. FINDLEY in the nature of a substitute for the amendment offered by Mr. REID of New York:

In place of the amendment, substitute the following language:

"Sec. 403. In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

Amendment offered by Mr. LEGGETT to the

amendment in the nature of a substitute offered by Mr. FINDLEY for the amendment offered by Mr. REID of New York:

After the word "Congress" strike out the proviso exception.

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. FRASER. Mr. Chairman, what the committee is now confronted with since we put over consideration of this bill last Thursday, is what to do in the light of the President's speech on April 30, announcing that U.S. combat forces had entered Cambodia.

I think it is worth taking a moment or two to analyze what the President is doing when he directs U.S. forces into the country of Cambodia.

In the first instance, the President said that the action would give the South Vietnamese time to proceed with the process of Vietnamization, to equip, train, and upgrade the South Vietnamese forces so that when the 150,000 U.S. troops are withdrawn at the end of a year's period, next spring, the South Vietnamese forces will have a better prospect of being able to handle the situation that exists at that time.

I challenge that rationale, largely on the grounds that there is no evidence that insulating the South Vietnamese forces from pressures, from attacks by North Vietnamese forces over the next year would enhance their capabilities as fighting personnel. I believe it is a fairly incredible proposition that you have a better army by insulating it from pressures, from battle experience, and from attacks, than if that army were subjected over a period of a year to those kinds of stresses.

What, then, was the purpose of the President in sending troops into Cambodia? I think there are three factors that emerge from statements that have been made by the President, both to the public and in the briefings we received yesterday at the White House. One of the reasons is that for 5 years the military has wanted to go in and attack the North Vietnamese and Vietcong forces on the eastern edge of Cambodia. Suddenly, the opportunity presented itself to do what the military had wanted for a long time to do because there was a Cambodian Government in Phnompenh which would be friendly and receptive to such action.

Second, by our invasion of Cambodia, we might take some pressure off the Government of Cambodia, which found itself under increasing threat from the North Vietnamese.

Third, and perhaps most important of all, I think the President wanted to show that he is tough. Each time he has announced a withdrawal he promised that under certain circumstances he may retaliate against the North Vietnamese. The President seems to be trying to prove that he is prepared to back up those words with action. Here was an opportunity to demonstrate the fact that he could be and would be tough under appropriate circumstances.

This is the conclusion that I think one

reasonably reaches from having listened to the President and considered the circumstances.

Now, what will happen? It is abundantly clear, even from what the President himself says, that once the U.S. forces are out—and I hope they will be out as the President has promised—in due course the North Vietnamese can reposition themselves, restock the sanctuaries, and present, at the end of an 8-, 10-, or 12-month period essentially the same threat that they present today.

Moreover, by the fact that the United States went into Cambodia without the express and open consent of the Cambodian Government, it raises serious international issues, the very least of which is that it presents a rare opportunity for the North Vietnamese now to have the excuse to march further onto Phnompenh, which, of course, they may very well have done in the absence of American combat troops.

But, finally, where are we a year from now? The ARVN will be presented with essentially the same threat which they have today.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 1 additional minute.)

Mr. FRASER. The North Vietnamese will present essentially the same threat as they present today.

There is no reason to think they will be stronger by reason of having been less subjected to stress or attack by the North Vietnamese, and we are still left with uncertain prospects.

The President cannot tell us now what will happen if, in fact, as many of us feel, his Vietnamization program does not succeed.

It is for these reasons, Mr. Chairman, that I support the Leggett amendment. The Leggett amendment would not be effective until July 1, because the bill we are debating is for defense expenditures in fiscal year 1971. By that time, July 1, the President has promised to have the troops out of Cambodia. The Leggett amendment will be appropriate, and I hope it is adopted.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me take you on a quick flight with me away from Indochina to an entirely different part of the world—the Middle East. There, Israel—yes, I said Israel—is in a fight for existence, but not really against Arab forces. Arab forces alone pose no problem for Israel. That plucky little nation's fight is against Communist aggression, which is taking over direction of the military objectives of the Arab States, and against modern Communist weapons.

It should be an inescapable conclusion that the fight against communism is a world fight. What is happening in Vietnam and Cambodia and Laos are separate chapters of the same struggle by people everywhere who are seeking to escape or to avoid Communist control.

The adoption of the Reid amendment would be extremely shortsighted. It would place the House in the position of prejudging American policy and would, in

fact, put a limitation on American policy. The Leggett amendment would, as I interpret it, require a declaration of war before U.S. forces could be used in Cambodia. Let us be frank and admit that declarations of war were part of another world. Limitations of any kind at this stage can do much more harm than good.

If an amendment is to be adopted, it should be the Findley amendment. It does no particular harm. In fact, it reiterates substantially what the President has said he has had to do in Cambodia. If it makes the Congress feel better to keep a hand in the formation of policy matters, this probably is a good way to do it, and certainly it is preferable to the alternatives that have been offered. Either of the other amendments would be making a case which the Communists trumpet to the world as representing a defeat for American efforts in Southeast Asia.

The administration has shown it is seeking by every legitimate means to reduce U.S. involvement in Southeast Asia. Now let us not tie the President's hands even partially. I am willing to trust him. He is my President, too.

It should be very clear that we could quickly have been outflanked by Communist penetration in Cambodia. This would have delayed the process of Vietnamization, would have provided a direct threat to American forces in South Vietnam, would have delayed our withdrawal, and could have caused the fighting there to drag on endlessly. The problems of Laos would have been intensified.

We must accept the fact that the independence of Cambodia also is at stake, and possibly that of all Southeast Asia. If we in America turn our backs on Cambodia, we will doom that nation to Communist control and we will be opening wide the port of Sihanoukville to a flood of weapons and supplies for Communist forces who will be operating at will from the south of Cambodia into Vietnam.

The rest of the world is watching. If it sees the Congress tie the hands of the President, people will know the beginning of the end of American leadership in world affairs is at hand. However unpleasant the task, there are certain responsibilities which go with leadership which must be faced up to and must be accepted. We will be out of Vietnam much more quickly as a result of the President's action in Cambodia, and that, after all, is what is most important to the American people.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman who just preceded me in the well made, I thought, a very interesting observation indeed when he suggested if it made us in the Congress feel any better to adopt some language or amendment, we ought to proceed to adopt the Findley amendment.

I happen to be opposed to the Leggett amendment, not because I want a wider war in Southeast Asia, for as I said when I spoke to an audience in my district a week ago Sunday night, I was opposed to introducing ground combat forces in Laos and Thailand and Cambodia, and I

am still today opposed to that, but I think we have to accept the situation in the light of what it is today, not last Wednesday or last Thursday when the amendments by the gentleman from New York (Mr. REID), the gentleman from California (Mr. LEGGETT), and the gentleman from Illinois (Mr. FINDLEY) were offered.

I would suggest that since the President has told us—I was not privileged to attend the briefings of yesterday, but I am informed on good authority that the President did say that by July 1 all of these troops would be withdrawn from Cambodia—I believe the President of the United States when he makes a statement of that kind. I was certainly impressed with the analysis of the gentleman from Florida (Mr. FASCELL) who said in a bill which contains no operating and maintenance money at all, it does not even deal with personnel, so therefore, we are not selecting a very appropriate vehicle by which to express congressional intent. All we are doing is to, in an ad hoc random fashion tack on some kind of limitation to a procurement bill without any real understanding of what we will thereby accomplish.

I am as interested as anyone in this chamber in reasserting the congressional prerogatives in the field of foreign policy.

As I interpret recent polls, there has been a very perceptible decline in public esteem so far as the Congress is concerned. Why has that taken place? I believe it is largely because of the attrition which has occurred as far as our influence in the field of foreign policy is concerned. It has been our relative impotence and our inability to deal with the great questions of peace and war that have brought us to the apparently powerless state we are in today.

This attrition has not happened under the Nixon administration alone. It happened under the Lyndon Johnson administration. It started, I believe, indeed, under that of Franklin Delano Roosevelt.

I want as much as anyone in this House to restructure and to recapture, if you will, what I believe are the legitimate constitutional prerogatives of this House.

If we are going to avoid a constitutional crisis, and if we are going to avoid a clash of Presidential power with what we in the Congress insist is our right and our prerogative, we ought to begin now.

I am equally convinced that we are not going to do it—and indeed, we demean ourselves—if we in this Chamber today adopt meaningless legislative language and think, "Well, we have shown them this time; we have shown them that the people's Representatives have really spoken up."

I am going to introduce—indeed, I have already introduced—a concurrent resolution, and I am going to solicit the active support of the Members of the House for this resolution, in which I say that it is now clearly national policy by virtue of a resolution of the Congress that we do continue the program of disengagement and withdrawal to which the President has committed himself; and we say it is our national policy not to enlarge the present conflict into the neighboring States of Cambodia, Laos, and Thailand.

For all too long, I believe—for all too long we have rested on the purely Presidential initiative. We have been unwilling in this House to share the burden that is ours under the Constitution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. Mr. Chairman, we have neglected and ignored all too long the constitutional responsibility to share in the making of that policy.

But it is going to take more than a week or a month or even a single session of Congress to do it. We are going to have to begin systematically, I believe, with the proper building blocks to recreate the kind of role the Congress under the Constitution was intended to have.

I am going to offer this resolution in that spirit, in the hope that rather than adopt amendments which I believe will prove in time to be meaningless and therefore only increase the disillusionment in the country as to our ability and as to the efficacy of our actions, that we be well advised to consider this kind of resolution, rather than simply trying to tack on in a meaningless fashion amendments to this particular procurement bill.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some time when we can terminate debate on this amendment and all amendments thereto.

Mr. GERALD R. FORD. Mr. Chairman, I regret I did not hear the request of the distinguished chairman of the Committee on Armed Services. Would the gentleman repeat it?

Mr. RIVERS. I am trying to arrive at some kind of agreement, Mr. Chairman, whereby we can agree to terminate debate on this amendment and all amendments thereto and vote.

The CHAIRMAN. The gentleman from South Carolina is now discussing the Reid of New York amendment.

Mr. RIVERS. Mr. Chairman, I wonder if we could agree to vote at, say, 2 o'clock?

Mr. GIBBONS. Mr. Chairman, I object. Mr. RIVERS. What about 2:30, Mr. Chairman?

Mr. GIBBONS. I object, Mr. Chairman. Mr. CAREY. I object, Mr. Chairman.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman from California.

Mr. LEGGETT. I appreciate the chairman's yielding.

I notice there are at least 50 Members on their feet at the present time. If we were to go for an hour on this very important subject matter, I am sure we would have all of a minute apiece to express ourselves, really for the first time, on American foreign policy in the Indochina Peninsula for the past 5 years. I would suggest that—

Mr. RIVERS. I have already yielded as long as I am going to yield, Mr. Chairman.

Mr. Chairman, we do not make foreign policy in the House, anyway.

Mr. Chairman, I have already asked for 2:30. That is 70 minutes. What about a quarter to 3?

The CHAIRMAN. The Chair will state, as he understands it, the gentleman from South Carolina is asking that debate be limited to the Members standing on their feet on the Reid of New York amendment and all amendments there-to—

Mr. RIVERS. To close at a quarter to 3. I ask unanimous consent to that, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. RIVERS. What about 3 o'clock?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 3:20.

Mr. LEGGETT. Mr. Chairman, I object.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 3:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was rejected.

Mr. REUSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Findley substitute.

We should be extricating ourselves from South Vietnam, not implicating ourselves in Laos, Thailand, or Cambodia. Yet the Findley substitute would not only endorse the actions taken by the President last Thursday; it would also give him license to take similar action in Laos and Thailand. The hand is the hand of Mr. FINDLEY, but the voice is the voice of Mr. Nixon.

All that the Findley substitute requires for the use of American ground combat troops in these countries, without any consent of Congress, is for the President—I repeat the President—to “determine” that this is needed “to protect the lives of American troops remaining within South Vietnam.”

I am not going to see this war enlarged by any such tortuous determinations by the President. Mr. Nixon has publicly justified his sending U.S. ground combat forces into Cambodia by saying that this is necessary to protect the lives of American troops in South Vietnam. Yet he told members of the Armed Services Committee, assembled at the White House yesterday, that another reason for sending in American troops was to prevent the present rightwing government of Cambodia from being toppled. And from background briefings reported in the press, we learn that the real reason for the U.S. invasion of Cambodia is the need to flex our muscles toward the Soviet Union and to reinforce our credibility as a great power.

World peace should not be allowed to hang on such slippery determinations. Whatever the “real” reasons for our invasion of Cambodia, they are the hallmark of policies that have been awry for years.

Under the Findley substitute, the President, without consulting the Congress, can order American ground combat troops into Thailand, hundreds of miles from South Vietnam, by simply “determining” that this is necessary to protect the lives of American troops in South Vietnam. You might as well argue that the President, all by his lonesome, can drop paratroopers into Peking or Moscow in an effort to wipe out those centers of communism—after all, if he succeeds in wiping them out, it will certainly protect the lives of American troops in South Vietnam, since Moscow and Peking are the start of the pipeline.

I oppose enlarging the war. I oppose the renewed bombing of North Vietnam. I deplore the lack of candor which has shrouded the events of the last week. This endangers the safety of the American people, the fabric of American society, and the credibility of the United States far more than do the Communist sanctuaries in Cambodia.

If we are for President Nixon's Cambodian adventure, we should vote for the Findley substitute. If we oppose the adventure, we should oppose the substitute.

Unless we are so many sheep on the runway, we should welcome the chance to be recorded on this historic vote.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the next several hours this House will be called upon to vote on various amendments which relate to the nature and extent of our military involvement around the world.

Since the pending bill pertains only to the payments authorized in fiscal 1971, largely for equipment, the amendments have no immediate application to the current situation in Cambodia and little limiting effect upon the options available to the President thereafter. These amendments are truly in the nature of expressing the sense of the Congress with respect to America's policy abroad.

I shall most probably vote against each of the likely amendments unless parliamentary tactics dictate otherwise.

Too much of the debate following the actions of the President with respect to Cambodia misses the central issue. Even the President's public justification avoids a discussion of fundamental objectives and how his actions relate to the attainment of the objectives.

Surely, the saving of American lives in Vietnam, however desirable, is not our ultimate objective. If it were, we could proceed more directly toward that objective by their prompt removal from the zone of danger.

Vietnamization is not our ultimate objective, either. It is merely a tactic, rather than a fundamental goal, and our presence in Cambodia cannot be credibly defended as necessary to guarantee the success of such a tactic.

In truth, we moved into Cambodia because our national interests are served by doing so, and the recent change of governments made it politically possible to do so.

America's fundamental national interests are directly and intimately related to

peace in the world. The ultimate question—lost in the violence and heat of the Cambodian debate—is what consistent policies should America pursue around the world to achieve and maintain the peace we seek.

Since World War II, successive administrations have recognized that there are forces in the world which are not motivated by a live-and-let-live policy. There are national States which threaten their neighbors. No better current example can be found than in the Middle East. These aggressive powers can provoke a war we seek to avoid and there is no evidence that they shall cease and desist from molesting their neighbors if we follow a policy of indifference to them.

Indeed, history suggests the reverse to be true. If the big powers refuse to react to the transgressions of the small powers—not because they want to, but because they have to—the record of history leads me to the conclusion that we are moving toward war, rather than peace.

America has no desire to shed her blood in Vietnam. But the consequences of successful aggression are unacceptable to America's fundamental national interests.

We have no desire to occupy, even temporarily, any portion of Cambodia. But the consequences of a forcible overthrow of the Cambodian Government by a foreign power is equally unacceptable.

The ultimate stakes are as fundamental as peace in the world and we need apologize to no one for pursuing policies reasonably calculated to that end.

Surely the honorable and patriotic Members of this House cannot believe that America's national interests are enhanced if the troops of North Vietnam impose by force and terror Communist governments throughout Indochina. Yet are not some of our Members urging a policy which will lead to that result?

If our Government, in the interests of peace seeks to avoid the likely consequence of sudden disengagement and withdrawal, the question is: What are we prepared to do about it?

Unless someone has a better plan for peace, I urge support of the President and I urge defeat of amendments which limit his options to react against forces threatening the peace.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. Yes, I am glad to yield to the gentleman from Illinois.

Mr. ARENDS. Since the gentleman has already been allowed time, I trust that none of the Members will ask for more than 5 minutes time and, therefore, I would feel obliged to object since so many Members desire to speak on this amendment. I feel the time should be limited to the 5 minutes in each case. If the gentleman from Indiana asks unanimous consent to proceed for more than 5 minutes, I shall not object in this particular instance since he had already been recognized.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Missouri.

Mr. HALL. I do not want to take words from the mouth of the gentleman, because I know too that he was at the White House conference yesterday. But would the gentleman agree with me that at no time did the Commander in Chief and the President of these United States say that he would defend any branch of the Cambodian Government, past, present, or future?

Mr. ADAIR. The gentleman is correct. Any benefits that might accrue to the Government of Cambodia would be incidental to the main purposes of our being in Cambodia.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, that is almost exactly paraphrasing what the President said and, in my opinion, it is a disservice to the Nation and, certainly, to the Commander in Chief to claim, as the last gentleman in the well just did, that it was to preserve a "rightwing government" in Cambodia.

Furthermore, it is geographically true that it is less than 55 miles across the panhandle of Laos from South Vietnam to the border of Thailand, not "hundreds of miles" from South Vietnam to Thailand.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Florida.

Mr. FASCELL. I believe the President said, and we were both present at the conference, I believe the President said with respect to that issue that it was not this Government's primary objective to sustain the present Government of Cambodia.

Mr. ADAIR. That is correct.

Mr. Chairman, when any branch of the Government, whether it be executive or legislative, begins to tell our enemies publicly what we will or will not do, we are to a degree endangering our Nation and its best interests.

There are people in this Chamber who will recall that in January 1950 the then Secretary of State in a speech before the National Press Club, if my memory serves me correctly, drew a line in Asia and indicated countries that we, the United States, would defend. Omitted from the countries to be protected, among others, was Korea.

There is a responsible body of opinion in this country that held and still holds that the exclusion by omission encouraged the Communists to invade South Korea. So, I repeat that when any responsible element of Government says publicly and firmly that we will or will not defend certain areas or enter into certain areas, we are endangering our national well being.

Therefore, Mr. Chairman, although in light of recent developments my own choice would be that we said nothing at this time upon the matter of troops in Cambodia, Laos, and Thailand, if we do so, I strongly support the amendment which has been offered by the gentleman from Illinois (Mr. FINDLEY).

It seems to me that to adopt the amendment offered by the gentleman

from California (Mr. LEGGETT) or to adopt the amendment as originally offered by the gentleman from New York (Mr. REID) is tying the hands of our President, is telegraphing our punches, and is putting ourselves in an almost impossible position especially, I repeat, in the light of developments in the last few days.

Let us give our President the right to take such action as he deems necessary to protect our national interests, and protect the lives of our fighting men.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it was a wise idea for this Committee to rise on last Thursday. It has given the members of this Committee an opportunity to judge the facts as they are now in the light of the President's speech and in the light of what has happened to our Nation over the past few days.

Someone said a moment ago that we do not make foreign policy in this body. Perhaps, but we certainly implement it.

Somebody also made the statement that we are not exercising our congressional prerogatives in a meaningful way in what we might do today, but the fact of the matter is we are exercising a prerogative here that perhaps is stronger and more formidable than any other power that this Congress has, and that of course is the power of the purse.

Mr. Chairman, I come to the well of the House here as one who recognizes the anguish that this problem gives to all of us. I am conscious of what this great Committee on Armed Services has done over the years in keeping our defense strong and in maintaining the security of this Nation around the world. I am conscious also of the fact that those of us who serve here have a particular responsibility also, to our own people, to our own Nation. I am conscious of the fact that over the years we have done what we think we should have done in South Vietnam to stop aggression. But I think we have gone far enough.

So, Mr. Chairman, I come here to express my own opinion with regard to our problems in Southeast Asia, and with regard to our problems here in this Nation that all of us love so much.

So, Mr. Chairman, in my judgment, the military forays into Cambodia are roughly akin to a flirtation with disaster. They threaten to spread the war throughout Indochina, engulfing the United States in a conflict that may take decades to resolve.

The assault across the Cambodian border has yet to yield anything of genuine tactical significance—are a few huts, a few caches of arms, a few storehouses of rice worth risking a dramatically widened war? I think not, Mr. Chairman.

Our military leaders have been entertaining an illusion for the past decade—an illusion that our vastly superior firepower can conquer the guerrilla forces in Southeast Asia.

The bombing of North Vietnam, for example, failed abysmally in its strategic goal of ending infiltration into the South.

The incursions into Cambodia, as just one further example, failed to provoke,

the kind of decisive pitched battle, that the Army's General Staff has been wistfully musing about since the early 1960's.

The enemy in Southeast Asia, scrupulously avoids military confrontations that might rout their forces. They are lightly armed bands of guerrilla fighters, moving with lightning speed and striking with devastating suddenness. They can melt away into the jungles and rice paddies almost instantly.

This country's forbidding array of tanks, airplanes, and artillery is far from decisive against such an enemy. The very concept of military victory is the most futile kind of wishful thinking.

I was alarmed to hear President Nixon speaking in vague terms of victory and loss in his television address last week.

It seems plain—indeed, conspicuous—that the only way to achieve a meaningful peace in Southeast Asia is through a negotiated political settlement.

For too long, Mr. Chairman, we have seen temporary operations turn into permanent ones.

For too long, we have seen bold new escalations of the war yield nothing even remotely comparable to the military's pledges.

For too long, we have seen our blood spilled and our resources squandered in a fruitless cause.

The results of 10 years of warfare can be summed up neatly—almost 50,000 Americans killed, 275,000 wounded, billions of dollars wasted, and peace still a distant prospect.

President Nixon, of course, is acting with honesty and with good faith in his efforts to end the war.

We in the Congress—we who disagree with his policies—must act with equal honesty and good faith.

Further debating and dithering about the war will achieve next to nothing. We must exercise virtually the only power available to us in shaping U.S. policy in Southeast Asia—the power of the purse.

I will support Congressman LEGGETT's amendment. I strongly urge its passage.

As I suggested in a resolution introduced here a few weeks ago, all U.S. combat forces should be withdrawn from Southeast Asia within a year.

If the South Vietnamese are not yet ready to defend themselves, they will never be ready.

And if our allies around the world are not yet convinced that we are prepared to shed our blood in defense of liberty, freedom, and the Nation's security, they will never be convinced.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, an earlier speaker this afternoon indicated that he challenged one of the rationales of the President for the action that was taken last week. He challenged the rationale, that this operation would help the military capability of the South Vietnamese.

I think his challenging of that rationale indicates his lack of knowledge as to what is going to happen to the capability of the South Vietnamese Army in the months ahead. We know that they are being better equipped and better trained, and operations such as this against the

sanctuaries will inevitably lead to better leadership and greater morale on the South Vietnamese military forces.

Mr. Speaker, I am convinced that their role in this tragic war will be increased, and be increasingly successful. Their military success will accelerate the withdrawal of American forces from South Vietnam.

Another speaker a few moments ago made the statement, and I believe I am accurately repeating his words—that the President of the United States had made slippery determinations in justifying his decision to do what was done last week.

I was quite surprised that the individual would so characterize the decision of the President of the United States.

"Slippery determinations"—you can disagree with what the President has decided, but I do not believe it appropriate to label them as "slippery determinations."

The overall purpose of the sanctuary operation is to shorten the war. The purpose of the operation is to lead to greater and greater withdrawals of American participation.

A year ago at this time there were 540 and some-odd thousand U.S. military personnel in South Vietnam. Today, there are 450,000. The President has promised to have 150,000 less military personnel in South Vietnam a year from now.

The purpose, as I said, was to shorten the war and to decrease our responsibilities in it.

This operation, I believe, is producing results. Let me give you the results that were given to me as of this morning.

In less than a week of this operation, as of this morning, approximately 3,000 of the enemy have been killed.

Approximately 650 of the enemy in the Fish Hook and Parrot's Beak area have been captured.

This means that roughly one-third of the enemy personnel in those two areas have either been killed or captured. This is a very high ratio of success against the enemy.

Furthermore, in this 1 week or less of ARVIN and U.S. military operations over 4,000 enemy weapons have been captured—weapons which if they were in the hands of the enemy, would be used against American soldiers, sailors, marines, and air force.

In addition our forces have captured over 1 million pounds of enemy rice. The destruction of enemy food supplies will help our forces and hurt the enemy.

This means that 10,000 North Vietnamese soldiers will have difficulty for a 3-month period in sustaining themselves in a military operation just because the enemy will have fewer weapons and less food supplies.

It means 24,000 man-days will be lost by the enemy in food supplies, enough food stocks for 2½ enemy divisions for an extended period.

But let me point this out. Within the last 4 or 5 days over 725,000 rounds of small arms ammunition have been captured. What does that mean?

It means that over 725,000 rounds of enemy ammunition cannot and will not

be used against American military personnel.

Mr. Chairman, this in my judgment is indicative of the results of an operation that had to be done if our basic objective is to withdraw American forces and to increase the capability of the South Vietnamese to defend themselves.

I think this operation will be successful. The President has promised that all American forces in the Cambodian area will be withdrawn by July 1 and probably more quickly than that. The President should be applauded for his strong action and appropriate action in the best interest of the United States. This was a military operation that was essential and vital in the national interest of the United States of America, and I think we ought to support it.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very much interested in the impressive statistics just given us by the distinguished minority leader. There are other statistics that have developed during the course of the almost 1 week since this operation was commenced. Those statistics would reflect the deep division which has become greater and deeper in this Nation, the polarization of positions of the American public, the demands of the American people that the Congress of the United States act in response to its constitutional responsibilities.

I heard it said on this floor earlier today that the day of the declared war is over, and perhaps it is. But the day of prior consultation with the Congress should not be over. If that is to be the pattern of the future, let us face it frontally and propose to amend the Constitution to vest in the President, and the President alone, the power to determine whether or not this Nation engages in military operations in any part of the globe.

The decline of the power and the prestige of the Congress has been going on for a great many years. One Member, the gentleman from Illinois, said that it goes back to the days of Franklin Roosevelt. I think it started before then. It started as the Executive has grown and grown until today the Executive controls virtually all of the information upon which we here in the Congress rely.

Yesterday there were briefings at the White House for four committees. There are 435 Members of this House and 100 Members of the other body. The responsibility of each and every one of them is identically the same when they go back to their congressional districts. There are ways and means to bring these issues into discussion in this House if they are so sensitive that they cannot be made public. We have rules which permit executive sessions for the discussion of matters of such transcendent importance. But their use has not been proposed.

I think that we have here to recognize that the division at home can inevitably lead to the destruction of this Nation and of the institutions which we value or we should value very greatly. Our freedoms are being denied us. We

see the shocking spectacle of war between generations. I know of no instance in which a civilized nation has endured this type of warfare in the past—one generation against another—and remember that the generation against which all the criticism is directed today is the generation which in just a very few years will govern this country, whether or not we like it. Time is on their side and not on ours. They are entitled to be heard on their problems, and have them considered, and I do not think they have been given either the hearings or the consideration of the manner in which a continuing war—or a war which has now waged far too long—disrupts their lives and makes it impossible for them to plan.

I think it adds to the sense of unrest on the campuses and the uncertainties which we here in the Congress by our inaction have materially contributed to. I do not criticize the President for doing what we let him get by with. I think it is time we speak our piece, and assume our responsibilities to our Nation.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a poor time, place, and way, I submit, to lay down American foreign policy on a vital issue of this kind. What are we considering here today? We are considering a military procurement bill. In a few minutes here this afternoon, in the consideration of a procurement bill, it is being suggested that we tie the hands of the President of the United States and of the executive branch and lay down a course of foreign policy.

We have some troops in Cambodia right now. I assume if the Leggett amendment were adopted, and an emergency involving those troops arose, we could not send some tanks paid for under this bill in to help them out without first coming here and getting the approval of Congress.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. No; I have not time to yield. I will let the gentleman take his own time, please.

Mr. Chairman, it helps to have some little knowledge of history. There was a Member of this House called Abraham Lincoln who opposed the Mexican war, and he voted here in opposition to an amendment which tended to approve the Mexican war. Afterward he had to explain to his law partner Bill Herndon back in Illinois why he had taken that action. He wrote Herndon a letter in February of 1848, which I suggest is good reading for some gentlemen here, in which Lincoln explained that he voted against the amendment which commended the war, but that did not mean that he was not going to vote supplies for the troops. He believed in supplies for the troops, and he would not, according to what he said to Mr. Herndon in 1848, have voted for an amendment of the Leggett type in that war; because the thrust of the Leggett amendment is to perhaps deny needed supplies to the troops.

Lincoln knew how to oppose the war

in a way that some people today apparently do not recall.

There is one thing I would like to say. There is a sound legal basis for what we are doing. The powers of the President as Commander in Chief under article II of the Constitution are broad and sweeping. They do not always, and they have not historically always, required a declaration of war by this body. We fought an undeclared war with France in our early days, we fought an undeclared war with the Barbary pirates in the early days, we have landed the Marines hundreds of times without a congressional resolution of war; and we cannot forget what President Truman did in Korea and what President Eisenhower did in Lebanon, all without declarations of war or prior congressional resolutions. So there is a legal basis for the President as the Commander in Chief to take such action.

As a matter of international law, when we have a neutral country like Cambodia which cannot maintain its neutrality—because the North Vietnamese are in there holding the country and using it as a base of offensive operations—international law, if I remember correctly, recognizes that a belligerent party has a limited right of self-defense to go in and do something about that situation—which is exactly what we are doing today.

Militarily it seems to me it makes sense to buy the Vietnamese Army about a year's time to get to be a better army—and that is what we are doing here. It helps the program of Vietnamization to do that. That is what we are doing here.

So we have a military basis for what we are doing, we have a historical basis for what we are doing, we have a legal basis for what we are doing, and we have a sound policy basis for what we are doing.

In this country we give even an accused criminal the benefit of the doubt. I say when we have this kind of basis for what we are doing and when we have these very difficult problems, as American citizens, in these very perilous times at home and abroad, we ought to give the President of the United States and our Government the benefit of any doubt that may exist instead of embarrassing and harassing the President and the administration by ill-considered amendments on the floor of this body. We ought to give the President and our Government our support.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. REID).

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment offered by Mr. REID of New York: Insert after the word "Cambodia" the following: ", or to finance attacks on the territory of North Vietnam."

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. Is the amendment in order? An amendment to an amendment to an amendment is now pending.

The CHAIRMAN. The gentleman from New York is offering an amendment to the amendment offered by the gentleman from New York (Mr. REID) which was the original amendment. That is in order.

The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. BINGHAM. Mr. Chairman, this amendment is offered to the Reid of New York amendment, to extend it to the territory of North Vietnam.

It is my intention, at the appropriate time, after the Leggett amendment to the Findley substitute amendment has been disposed of, to offer the same amendment to the Findley substitute amendment. My amendment would not be in order now to the Leggett amendment.

Mr. Chairman, I support the Reid of New York and Leggett amendments. The success of one or another of these amendments is vital.

I have been dismayed by the Cambodian incursions. I believe that they have had their worst effect right here in this country.

President Nixon in his 1968 campaign talked about bringing the country together. I believe by this action he has taken a catastrophic step to break it apart.

Why do I offer this amendment now, which some of my good friends have said might confuse the situation? I offer it now because I believe North Vietnam is a part of this total situation. All three amendments before us refer not only to Cambodia but also to Laos and Thailand. I believe it is important that the restraint contemplated be extended to cover the territory of North Vietnam, so as to make it perfectly clear that the President has no authority to go in with ground troops into North Vietnam.

Every single rationale used to justify the incursions into Cambodia could be used to justify a limited incursion into the southern end of North Vietnam.

The second reason for my amendment is that I believe we should at this time preclude the possibility of large-scale bombing attacks in North Vietnam. These attacks have recently been stepped up. Coming at the same time as the Cambodian incursion, this is having a dreadful effect on the young people of this country. It is returning us to a policy that failed before, and it is presenting a danger to the slim chance we still have for the possibility of negotiations of this dreadful conflict.

I believe that the debate here today should include the subject of the bombing attacks on North Vietnam and their impact on the possibility of a peaceful settlement.

I believe the Nixon administration, at least since last November 3, has not shown any real interest in negotiation. It appears the President has virtually given up hope of a compromise political settlement. Yet, in the minds of many of us, this is the only way this conflict even-

tually is going to be ended, whether American forces stay on in Vietnam indefinitely or whether they are promptly withdrawn, as I believe they should be. In no case can the conflict be ended by victory for our side.

So, Mr. Chairman, we must do nothing that might close the door on the possibility of a political settlement by humiliating the North Vietnamese and making it impossible to continue to sit across the table and talk to us.

Certainly the Paris negotiations have not accomplished very much in the last year or more, but at least the two sides are in contact. Let us not take the chance, by returning to a reckless policy that is discredited, of destroying the thin, frail reed on which we have to rely for the possibility of a political settlement that could bring this miserable war to an end.

The Nixon policy of Vietnamizing the war is a false policy, raising false hopes. Its failure has been demonstrated by what the President did this last week. His actions represented a kind of desperate effort to find a way to serve the policy of Vietnamization, which cannot succeed. It cannot succeed because it depends for its success on cooperation by the other side, and there is no reason to suppose the other side will oblige. I hope my amendment will be supported.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Leggett amendment; the amendment that will assure that this country and this Congress has no intention of widening or prolonging this frustrating war.

The Leggett amendment will in no way endanger the ground combat troops that have already, unfortunately, been deployed into neutral Cambodia. Its effective date is July 1, 1970—a date by which the President himself asserted yesterday that all of our troops will be out of that country.

But the Leggett amendment in many ways goes beyond its stated purpose. It gives this Congress the opportunity to fulfill its constitutional responsibility to the American people. It gives us the opportunity to go on record against continuing senseless killing of other human beings, both ours and our enemies. It especially will show to the young people of America that there is, indeed, an "other way" to be heard.

Mr. Chairman, during periods of social upheaval, when people are faced with horrendous challenges, they either rise to the occasion, face what must be faced, and do what must be done, or else they collapse, and go looking for scapegoats.

In my opinion, a large percentage of our older generation has failed to rise to the occasion, cannot bear to face what must be faced, or do what must be done, and has wholly collapsed, seeking only the necessary scapegoat, to satisfy its wounded pride. And the scapegoat it wants to tear apart, most especially, is the politically active element in the younger generation.

Let me explain, so there will not be any confusion about it. I am not speaking in favor of the ones who burn down

college buildings, intimidate school officials, break the laws, and interrupt the operations of society, just for the sake of causing a sensation. In every generation there are people like this—fragile, anguished, in psychological pain—who can only express their feelings by adopting the worst of the world around them. The wounded-in-soul are always with us, but I am not talking about them.

Rather, I am talking about those who have seen us as we are, and are taking us to task. They may enrage us by asking us just the questions we want least to hear, or disturb us with the depth of the perception of our failure. But they are right, and there is no getting around it.

I am speaking of the young people who question the moral justification of a terrible war, who want to know how we can travel to the moon but so pollute our water and our atmosphere that life becomes endangered—young people who wonder aloud at our turning this Nation into one huge traffic-jam—young people who question why we insisted on teaching them about the Constitution when, as a nation, we have absolutely refused to abide by its requirements in regard to men of different color. They call attention to the hypocrisies by which we live—our talk about national ideals, shrouded as it is by the shadow of materialism; our pretensions about religion, coupled with the practice of dog-eat-dog, 5 days a week.

And what can we say, in response? What do we say, in response? We say they are ungrateful. We gave them everything money could buy. They were the first generation raised in affluence, receiving all the material things their parents and grandparents worked so hard to get for them. And here they are, telling us it is the wrong kind of everything.

Perhaps it was the affluence. These kids, raised without the need to go grubbing for pennies in the street, had the time and opportunity to think; and some of their thinking, apparently, concerned that wonderful abstraction: the meaning of life. We gave them so much education, so many opportunities to travel; we were so candid with them about our frailties; we encouraged them to explore, and what have they become? Wiser and kinder and more deeply committed to our own ideals than we ever were.

There is an interesting parallel here, between the days of the Kennedy administration, which captured the imagination of American youth and the present era, which infuriates American youth. In one case, we had a country full of hope, determined the problems would be solved. Under the current regime, we have a hopeless policy, dedicated to retreat from reform and retreat from reality.

It is time to summon the courage to face the facts. Those bright, passionate, clear-eyed young people should not be ignored, or locked up, or betrayed or shot by a nation that needs them as no nation ever needed anybody. We parents have never brought up a generation of children so well before. They have turned out wise and strong, with a passion for life and a quality of humanity blinding

in its sheer magnificence. Somehow, we have raised an extraordinary generation of good people.

Now they are in peril. They are under attack as revolutionaries, and most of them are nothing of the kind. They are denounced as wreckers of the world because they speak against the wrecking of the world. It is entirely possible that they have, in fact, become the guardians of the "impossible dream", of Democratic triumph, and to attack and destroy them and their hopes now, under such circumstances, could well be the greatest catastrophe of American political history.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

Mr. ARENDS. Mr. Chairman, reserving the right to object, I hope the gentleman heard my remarks earlier during the day to the effect that due to the fact so many Members wish to speak on this, it is only fair that everyone have an opportunity to speak; and therefore, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Leggett amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRIES

Mr. FINDLEY. Mr. Chairman, I pose a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Can the Chair state what amendment will be first considered?

The CHAIRMAN. The first amendment to be voted on will be the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment offered by the gentleman from New York (Mr. RED).

Mr. FINDLEY. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Then, I further suggest that the Bingham amendment be defeated, and as I understand the parliamentary situation, assuming that the Bingham amendment is defeated, the next vote will be on the Leggett amendment. Am I correct on that?

The CHAIRMAN. The gentleman is correct; to the substitute offered by the gentleman from Illinois.

Mr. FINDLEY. And then next will be the substitute which I offered?

The CHAIRMAN. The gentleman is correct.

Mr. FINDLEY. Mr. Chairman, just as the President has certain implied powers as Commander in Chief, among them the duty to protect American lives, the Congress equally has the implied legislative power of oversight and review of such Presidential action. The President has deemed it necessary to introduce ground combat troops into Cambodia to protect American lives in Vietnam, and Congress now has the right and the duty to leg-

islate concerning the presence of our troops in Cambodia.

Congress, and only the Congress, can properly authorize military operations on foreign territory.

The Congress has not authorized such operations in Cambodia. In my opinion it should not do so now. Indeed, I strongly urge that the Congress clearly express its opposition to such operations, and its requirement that ground combat operations now underway must be strictly confined to the short-term, emergency need to protect the lives of U.S. military personnel remaining in South Vietnam.

This can be accomplished by the acceptance of the amendment in the nature of a substitute. I have offered to the amendment of the gentleman from New York (Mr. RED).

To the policy question—Should U.S. ground combat troops be introduced into Cambodia?—my substitute clearly says "No," except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

To the factual question—Does the Congress have the constitutional duty to decide whether U.S. troops shall be introduced into Cambodia for purpose other than the protection of U.S. lives in South Vietnam?—my substitute clearly says that Congress has that right and must exercise it before troops can properly be introduced for such purpose.

To the factual question—Does the President have the right and duty to send troops in order to protect U.S. military personnel remaining in South Vietnam?—my substitute clearly says "Yes," but it requires that the President, in invoking this right and duty, make a determination that U.S. lives are threatened and report such promptly to Congress.

The requirement that the President report promptly to the Congress would entail a detailed discussion of why he felt it necessary to act without prior congressional authorization. This report would then be received by the Congress, examined by the appropriate committee, and if deemed necessary, passed upon by Congress. Thus, Congress would be able to decide whether in its judgment the President had acted within or beyond his constitutional authority.

This amendment would do something which no other amendment under consideration today would do—it would assist the Congress in the exercise of its implied powers of legislative oversight and review of the use of the Armed Forces of the United States.

Where the President has an implied duty to act to protect American lives, the Congress has an equal implied duty to judge that act and to determine whether the President acted within permissible constitutional bounds.

We all recognize that the President's implied powers as Commander in Chief are not unlimited. For example, he cannot properly use implied powers as a guise. He cannot undertake a new long-term commitment on foreign territory

without the prior approval of Congress, arguing this was to protect American lives. His control over the Armed Forces of the United States empowers the President to order troop movements without the approval of Congress, but the Congress has the right and responsibility to decide whether, in its judgment, the President acted only to protect American lives. In addition, the Congress must judge whether conditions were so critical and urgent as to have made prior consultation with Congress unwise or impossible.

President Nixon told me yesterday at the White House that he believes this reporting procedure is proper.

Therefore, I urge you to reject the amendment of our distinguished colleague from California (Mr. LEGGETT). It will strike out the requirements in my amendment that the President report promptly to the Congress any exercise of his implied powers in Laos, Thailand, or Cambodia. The Leggett amendment omits any reference to the President's implied powers. It ignores the implied powers. But by doing so it does not diminish them. It merely strikes out a phrase which will assist the Congress in the exercise of its own powers of oversight and review.

Our President has declared the combat actions constitute neither a widening of the war nor a reversal of our program of withdrawal of all U.S. combat troops from South Vietnam.

Acceptance of the substitute will help establish worldwide credibility for the President's declaration. This is vitally important. There would be grave danger to our Nation if his announcement and actions are misinterpreted as encompassing more than the short-term, limited objective of protecting American lives remaining in South Vietnam during Vietnamization and withdrawal. No one should mistakenly believe that the United States is once again seeking a military solution or a military victory.

This misreading would be especially unfortunate on the part of foreign powers capable of widening the war; that is, the Soviet Union and China. We must also reassure our allies in Asia as well as in Western Europe, some of whom have already reacted harshly. Most importantly, we must speak to the American people and for them, many of whom are deeply troubled and confused by this turn of events and have reacted with intemperance and even violence. As we withdraw from Vietnam we must not let our country be torn apart by divisiveness in the same manner that it was torn apart when we were going in.

The Congress has both the opportunity and the responsibility to clear up any doubts about American policy in friendly and unfriendly foreign capitals as well as here at home. By supporting my amendment to the Reid amendment, Congress can act to clarify U.S. policy and accomplish these results:

First, as the representative branch of Government, inform the President that we as a body expect the scope and duration of present operations in Cambodia

to be limited exclusively to protecting lives of American troops in Vietnam;

Second, require the President to seek prior congressional approval of any further commitment of troops to foreign territory; or if conditions are critical and urgent as to make prior consultation unwise or impossible, require that the President promptly report those conditions and his action to the Congress so that it can make its own judgment of the facts;

Third, reassure the American people, our allies, and hostile powers that this incursion into Cambodia does not represent a widening of the war. Basic U.S. policy of withdrawal and Vietnamization has not changed; and

Fourth, show to all the world, friend and foe alike, that, where the safety of our men is concerned, the Congress expects the President to use his implied powers, as Commander in Chief, to protect their safety.

Mr. FARBSTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I favor the amendment offered by the gentleman from California (Mr. LEGGETT) because I truly believe that this is the only means of having some restraint on the President.

Mr. Chairman, the President in widening the war in Southeast Asia is pursuing an illusionary dream of military victory. His decision can only delay the withdrawal of American troops from the war. His decision can only mean that our domestic needs will continue to go unmet. His decision can only mean that he has broken faith with those to whom he promised a speedy end to the war.

We have heard the "we can win the war if only we expand it" logic before, and each time it has turned out to have cruel and predictable consequences. The Pentagon told us in 1965 if only we committed American forces to Vietnam for a short period we could drive Ho Chi Minh out. When that did not succeed, we were told, if only we bombed the northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

When we sent massive numbers of young Americans to Vietnam, it did not deter Ho Chi Minh, and when we began massive bombing of the North, it did not break the spirit of the North. It did, however, cost the lives of almost 50,000 American young men and injuries to over a quarter of a million.

Now the President has decided to accept the advice of the military who say an expansion of the war to Cambodia can bring military victory to Vietnam.

Symbolic of the illusionary character of this goal is the pursuit of COSVN—Central Office South Vietnam—the command center for enemy operations over most of South Vietnam. The President in his Thursday message indicated that destruction of this center was the major goal of the probe. After almost a week in Cambodia, COSVN appears to be non-existent.

All we have succeeded in doing is pushing the enemy temporarily farther back

into the Cambodian interior, and destroying some of his supplies. As a member of the House Foreign Affairs Committee, I heard the President yesterday offer the capturing of supplies as his justification for the invasion and the escalation of the war. He admitted, however, that the losses would only temporarily weaken the enemy and that he would return after the monsoon season. I hope we are not inaugurating a "revolving door military policy," which will require us to repeat this kind of maneuver periodically and remain in Southeast Asia on a permanent basis. This is the impression I took away with me from yesterday's meeting.

As important as the implications of the President's decisions are for the future conduct of the war, they have grave implications for the future fabric of our domestic society as well. The brutalization that wrought massacres like Mylai is being carried over to the domestic scene. The four deaths at Kent State University are symbolic of this fact—National Guardsmen firing into an unarmed group of students.

Kent State is symbolic for another reason as well. The President based his 1968 candidacy on the promise of a speedy end to the war, a promise he has reiterated several times subsequently. Those dissatisfied with our policy were told to just wait a while longer, for by working through the government system, they would soon see the war ended. By invading Cambodian territory and deepening our involvement, the President has broken faith with many of our young and driven them further from the system. It was this breaking of faith that the Kent students were protesting when four were killed Monday. It is this breaking of faith which is tearing the fabric of our society apart.

Ironically, while the young of this Nation are being driven further from faith in the governmental system as a means for bringing change, the President's Cambodian action represents a break with the system on his part; for from the legal standpoint, the President has overstepped his authority. The Constitution requires the consent of the Congress to declare war. The President has not gotten, nor even asked for this.

To go into any nation requires an invitation from the government of that nation. As far as I know, we have received no request from the Cambodian Government to invade its territory.

We have no moral or legal justification for being in Cambodia. Its impact is not being felt by North Vietnamese, but by Americans at home. We must get out of Cambodia right now, and out of Vietnam by the end of the year.

The only way the President's reckless new adventure is going to be checked is through congressional action, denying him the use of funds in Cambodia. To achieve this objective, I fully support the amendment by the gentleman from California (Mr. LEGGETT), which would require the President to obtain the consent of Congress under any circumstances before committing U.S. ground combat

forces in Laos, Thailand, or Cambodia. It would have the effect of reasserting Congress's long ignored constitutional responsibility regarding involvement of the United States in foreign wars.

By the same token, I strongly oppose the amendment offered by the gentleman from Illinois (Mr. FINDLEY) which would give the President the discretion to send troops without congressional approval if the President determines such an action is needed "to protect the lives of American troops remaining within South Vietnam."

Under this provision it would be very easy for the President to rationalize almost any possible action by tying it to the Vietnam war. It has the character of a blank check and the tone of a second Gulf of Tonkin resolution. It would give the President a free hand to continue his pursuit of his reckless policies.

If the President refuses to muzzle the generals and admirals, the Congress must. I urge my colleagues to join with me in achieving this objective here today.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HÉBERT asked and was given permission to revise and extend his remarks.)

Mr. HÉBERT. Mr. Chairman, I rise at this time following the gentleman from Illinois (Mr. FINDLEY) to make a statement of fact that I think the House should be very much interested in.

I preface what I am about to say by making the declaration that my position has always been consistent on military affairs, particularly in following our Commander in Chief, no matter what his name may be, whether it be Nixon, Johnson, Kennedy, Truman, Eisenhower, or Roosevelt, he is Commander in Chief, and he must make the command decision in all military matters.

So let there be no misunderstanding that while I may disagree with the way the situation in Vietnam has been handled, and I also may not agree wholly on the policy relating to Cambodia, but as to the overall military policy I still believe I should always stand with my Commander in Chief, and I stand with him today.

And I say to the gentleman who has just preceded me in the well of the House, and to clarify the situation, on yesterday morning I was one of those privileged to be briefed at the White House as a member of the Committee on Armed Services. And I asked the President of the United States, acting as Commander in Chief, his position on amendments now pending before this body as related to this bill—and this is not hearsay, this is exactly what the President said, and I give you the benefit of it, and particularly those of you who object to the President not informing you, and so I inform you of what he did say as related to the matter now before this body.

I asked him what was his position on the amendments now pending before this body. His reply to me was as usual clear, concise, direct and straightforward, and he said:

I favor the Findley amendment.

He named the Findley amendment by name, and he unequivocally said:

I favor adoption of the Findley amendment as it is related to the policy which I now pursue.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. No, Mr. Chairman, I cannot yield at this moment.

I asked the President further would he prefer that no amendment be adopted to this bill? His reply again was:

I favor the adoption of the Findley amendment in preference to no amendment at all.

I think that is quite clear. That is what the Commander in Chief has said. And that is the message that I would bring back to you today as a direct quote of the President of the United States, who stands solidly behind the Findley amendment. And I accept the guidance of my Commander in Chief. If it is a weapon that he wants, if it is a weapon he thinks he can use to save the lives of our men, one life, even, in Vietnam, that life is worth saving.

Now, as to the procedure, I understand the parliamentary situation this way: The first vote will come on the Bingham amendment to the amendment offered by the gentleman from New York (Mr. RED). That vote having been taken, then those who believe in going ahead with the Commander in Chief and the President of the United States shall vote in the negative and vote against the Bingham amendment.

The next vote shall come on the amendment offered by the gentleman from California (Mr. LEGGETT). Those who believe in standing with the President of the United States in his effort to save the lives of American troops shall vote down the Leggett amendment.

Then the vote shall occur on the Findley amendment as a substitute to the Reid amendment. And those, again, who stand with the President of the United States in his courageous effort to save the lives of American troops and get those men back home as quickly as possible shall vote in the affirmative. And the Congress of the United States then shall have told the world that there is solidarity to the fullest extent in this body in at least that it does stand by the President and the Commander in Chief.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. FOREMAN. Mr. Chairman, I support the Findley amendment:

In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

I believe it is responsible legislation in line with the action that the American people expect of the Congress. This

amendment grants no power whatever. Rather, it recognizes the President's unquestioned duty as Commander in Chief to act with dispatch in emergencies to protect the lines of American troops.

Instead of enhancing executive power, it enhances our position as the Legislature by requiring the President to report promptly to the Congress if he exercises this emergency authority.

The Commander in Chief has implied authority to make this decision, and the Congress has the implied right to be informed promptly so it can—through the legislative process—examine the bases for the decision and where deemed advisable pass judgment.

This amendment may be the first time this right has ever been spelled out in legislation.

Through this means the Congress can help establish its proper role consequent to the provisions of article I of the Constitution, by passing upon the question of whether a President's emergency use of troops was within the narrow limits of his implied powers as Commander in Chief, and whether conditions were so critical and urgent as to make prior consultation with Congress unwise or impossible.

As to the President's personal attitude, he advised me yesterday that he supported the amendment. He also said he felt the reporting requirement was proper.

Further, this is exactly the type of action that has just been taken by the President in Cambodia—this action was taken, first, to protect the lives of the Americans who are still in Vietnam; second, to shorten the war in South Vietnam; and third, to expedite the extrication of U.S. troops from Southeast Asia.

For about 5 years the Communists have been building up command posts, supply and storage depots, communication centers and munitions stocks, and so forth, along the border of "neutralist" Cambodia. Some of these war centers are less than 33 miles from Saigon, the capital of South Vietnam. The Communists have repeatedly carried on their deadly, devastating attacks against the South Vietnamese and Americans, and then returned to their privileged "neutral" sanctuaries inside the Cambodian border—like a bank robber or murderer running across the street from the scene of his crime, yelling "King's X," and preventing the police from pursuing or accosting him.

For 3 days, U.S. B-52 bombers pounded these Communist encampments to "soften" them up for final destruction by 20,000 South Vietnamese and 10,000 U.S. troops. The combined forces have encountered only minimum resistance and casualties during their "cleanup" operation. During the first 5 days, over 1,000 Communist bunkers have been obliterated, various communication centers, command posts, supply depots, and munitions and storage centers have been destroyed. Over 619,000 man-days of enemy food supplies have been confiscated. Some 250-plus mobile military machines of the Communists have been captured or destroyed. Numerous enemy

missiles, rockets, weaponry, and caches of munitions have been confiscated. Our bulldozers are now filling in and leveling the underground Communist posts and sanctuaries—some of them very elaborate office complexes four stories deep underground.

This total operation will be completed in 6 to 8 weeks—just ahead of the rainy monsoon season. Then, for approximately 6 months this area will be wet, muddy and soggy, making it most difficult for the Communists to start rebuilding and resupplying. This should allow the South Vietnamese the additional time needed to continue the Vietnamization program, the buildup and strengthening of their forces to be able to defend their own country. We can also continue the scheduled withdrawal of U.S. troops without endangering the lives of those Americans who will still be in South Vietnam.

This action is not to expand the war in Indo-China—it is to shorten the war in South Vietnam, protect American lives and expedite an early honorable end to U.S. participation in this war.

I have trust and confidence in the ability of President Nixon to responsibly and decisively direct our operations to expedite an honorable end to the war—as compared to the previous administrations' 8 years of indecision, vacillation, and misdirection that committed 550,000 Americans to a stalemated ground war in Southeast Asia. Through a positive Vietnamization program initiated by the Nixon administration, our troop level has now been reduced to below 426,000 and is reducing every day. U.S. combat casualty rates last quarter were below any in the last 5 years, and the South Vietnamese are rapidly taking over the responsibility of defending their own country. Nixon's record thus far has been good—certainly, he should be given the support and opportunity to improve upon his commendable record.

Mr. WATSON, Mr. Chairman, I move to strike out the last word.

Mr. Chairman, and my friends of the Committee, this is the most incredible experience I have ever had in my little over 7 years in this body. Here we are trying to decide military strategy on the floor of the House. How ridiculous can this be when we have neither the authority, responsibility nor expertise to do so.

I agree with my friend, the gentleman from Louisiana, when he said a moment ago, "let us stand behind our Commander in Chief." I do so, proudly and unwaveringly.

But in addition to the importance of supporting President Nixon there is another consideration, my colleagues—are we going to stand behind our men in Vietnam?

Let me tell you about a little experience—it probably will not influence anyone clamoring to tie the President's hands—but it influenced me. Not too long ago we had a Lieutenant Frishman, the naval pilot who was shot down just south of Hanoi, as I remember, and was one of the three Americans recently released by the Communists.

As he testified before our committee, and he was a prisoner of the North Vietnamese for 2 years, I recall him as he was

sitting there laboring to light a cigarette with an immobile right hand. He could not do it because his elbow had been shattered when he was shot down. This young man who had lost 65 pounds while he was a prisoner of war—and we have some 1,500 Americans who are prisoners of war or missing in action over there at this very moment—they will get the message of what is being said here by many people today.

I remember this lieutenant as he said, "You know, Mr. Congressman, the worst part about my whole experience was not when I was shot down and they picked me up and put me on display around the various villages. It was not when they taunted me and stuck me with sticks or as they threw rocks at me and all that—or as they put me in solitary confinement or as they did not give me the proper medical treatment which resulted in the loss of use of my right arm now." He said, "The worst part of my experience was the broadcast each morning and each evening." I asked him, "What broadcast?" He responded, "That is the time when the Communists broadcast the actual voices of American leaders—even U.S. Senators—who are condemning our position in Vietnam."

Let us remember this, my colleagues. We have over 400,000 young men over there now. They did not ask to go over there. They went over there because their country asked them to go. We had better be a little concerned about them and in protecting their interests and not further demoralize them.

Of course, the gentleman from California is interested in the loss of lives and in trying to deescalate the war. Who is not interested in that in this body? Certainly no one hopes and prays for peace any more than I.

But let us remember this, that the No. 1 man who is to receive the onus of all of this operation now, which I think is long overdue, in knocking out these sanctuaries, the No. 1 man who receives the onus is the Commander in Chief. God knows, aside from the loved ones of our boys over there, no one is more interested in saving the lives of the Americans in Vietnam than the President himself. He has the ultimate responsibility, which is indeed an awesome one.

Now let us get this thing in the proper perspective. We have not pulled the rug out from under our other Commanders in Chief. Then too, let us think about the over 400,000 young Americans fighting over there right now. Let us not demoralize them.

It has been said the President would accept the amendment of the gentleman from Illinois (Mr. FUNDLEY). Frankly I should like to see no restrictions on him but that amendment is certainly the least objectionable. As I close let me say again it is not only a matter of supporting the Commander in Chief, who desperately needs and deserves our support at this critical time, but also our action would encourage those courageous young men in Southeast Asia.

Let us think about them and let us get on with the business of passing this bill.

Mr. LEGGETT, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I include in my remarks a petition from the National Cathedral School deploring the actions of President Nixon in Southeast Asia and condemning his flagrant abuse of Presidential authority extending the war in Vietnam to Cambodia.

MAY 5, 1970.

DEAR CONGRESSMEN: We the students of National Cathedral School deplore the actions of President Nixon in Southeast Asia. We condemn his flagrant abuse of Presidential authority in extending the war in Viet Nam to Cambodia.

We hereby urge the Members of Congress to support the Reid Amendment to the Military Procurement Bill, as a statement of protest against the Nixon Policy.

Stand up for peace. Now,

Sincerely,

Nili György, Lisa Capell, Wendy Mint, Deborah Van Dyke, Mae Wells, Jenny Glenduring, Susan Garcia Wolf, Sue Lentz, Lynn Sloan, Margaret Key (librarian).

Mary D. McReynolds, Kim Moss, Swan Conway, Zan Sloan, Ann Harmon, Sharon Stafford, Mary Clare Mekall, Gina Thompson, Patricia Row, Carol McMaron, Karen Lindstrom.

Sara Evans, Judy Karasik, Mircusa Warburton, Deffy Fowler, Dale Logsdon, Betsy Kelley, Frances Ticklen, Grace Bullen, Sydney Jaffe, Sarah Zimmerman, Cyni Craig.

Gail Pabarue, Can Moss, Gigi Farnham, Lisa Ross, Pamela Barthen, Alice Armstrong, Nancy Ouverson, Nancy Nelson, Valerie Dawn Ruebrish, Kathi Albogast, Carol Thomson, Diana Vaterner.

Michelle L. Butler, Christine Sweet, Carolyn Peace, Katy Straus, Lisa Kodeen, Laurie Huntsman, Elspeth Farmer, Sue Lawrence, Elizabeth Fry (teacher of history), Winifred J. Mew.

Christian Fraly, Peggy Millen, Bebecca Baxter, Jeanne D. Meeker (teacher of French), Michael Grant, Devon Miller, Corey Nikobric, Sarah Hardison, Vicki Rand, Sally Hechinger.

Alida Metcalf, Yolanda Hontealedge, Even Tierman, Randy Aufather, Ginger Carton, Alfonso Lima, Mickey Rathbun, Dorothy Gove (teacher of English), Stephanie T. Farrior, Weston Mewhite,

Linda Pollak, Hemen Estill, Dean Richards, Alison Rea, Sage Cater, Lynn Burwell (brother over in Vietnam), Nancy Dudley (brother to go in June), Ann Butler (uncle in Vietnam), Amy Ignatius, Linda Terrell, Marina Shultz, Verity Comonte, Elison Mayfield, Jennifer Knauer, Eugene Maechling, Pamela Hackes, Nancy Martz.

Deborah Washington, Elizabeth Barber, Patricia Jones, Lisa Gunter, Annett J. Holloway, Vicki-Ann E. Assedero, Myrnlan Lundbergh, Roberto Piglour, Antonio Felgo.

Claire Ferguson, Laura Hardison, Cynthia Luessenhop, Shain Evans, Diana Barco, D. Sherry, Cornelia Ravenal, Michele Tanaka, Harriet Granet, Janet Mize.

Rose Cooper, Dolwen Mauzon, Diana Rldgley, Louana M. Lackey (Mrs. Melvin W.), Suzie Powell, Julia Albert, Diane Doyle, Anne McGehon, Jessica Herzstein, Ana Ellicott.

Sarah Lang, Andrea Loring, Gail Her, Daphne LeFeaver, H. Ferguson, J. Barker (teacher), Betsy Mott, Casey —, Becky Fralley, Anne Kenney.

Patrice Yager, Priscilla Blakeslee, Patsy F. Davis, Gigi Rinkin, S. Ketcham, A. Baxter, C. Shelton, R. Dorburton, Lisa Gladstone, Amity Janou.

Lorraine White, Suzanne Fogel, Molly Carroll, Ruth Nortz, Cathy Bushnell, Joslin DePuy, Daphne De Ruy, Catherine Stirling, Kiki Lundberg, Lyn

Cecily Rock, Nancy Beal, Terry McDowell, Crawford (hall porter), Mary Kimm, Diana Myers, Marjorie Batchelor, E. — (teacher), Michele Spittler, Gale Lawrence, Elizabeth Epstein.

I would reply to the gentleman from Louisiana, who attempted to paraphrase the parliamentary procedure that is going to be pursued here this afternoon. The vote will come first on the Bingham amendment to restrict the President from authorizing further attacks in North Vietnam. I think if we want the SALT talks to proceed, if we think that the peace talks in Paris have any meaning whatsoever, if we think that we are getting any place at all with the Chinese in Warsaw, and if it is reasonable to talk to them at all, certainly we should not risk the aborting of those talks by 100-plane bombing raids attempting to take out a few anti-aircraft emplacements in North Vietnam. Certainly that is not going to protect American reconnaissance planes. We have plenty of ways to protect those planes without reinstating the bombing activities in that area.

I would say the next vote that is going to occur—and if we favor peace talks, I say support the Bingham amendment—the next vote will occur on my amendment to the Findley amendment, and I would say that if we are interested in maintaining the prerogatives of Congress, and for the first time in 5 years asserting ourselves in a meaningful way with respect to American foreign policy, this will be the first opportunity we shall have to do so. We have carried on meaningless debate or collateral discussion on many, many issues. We have had special orders on the floor of this Congress. We have had 1-minute speeches. We have had colloquies. But this is the first opportunity that we have had even to come before this body admittedly by way of a back-door authorization bill to bring out the points that need to be brought out with respect to overall American policy in Southeast Asia.

I would like to cite at this time another quotation. A few minutes ago I heard the distinguished minority leader talk about giving authority to the President to move into Cambodia, and, of course, my distinguished colleague on the committee from Louisiana said, "Follow the leader. Follow the chief."

I would say this: I have not followed the leader, either when he has been of my party or of the opposition party, when I thought he was wrong. I believe the reason we are in Vietnam today is that too many Members here have all followed the leader. We have all assumed that the Pentagon has some magic information and some magic ability to make these great decisions. But I find that 2 years ago, according to the records of the Library of Congress, the distinguished minority leader being quoted by the United Press International as follows:

[From the Washington Post, Jan. 10, 1968] CONSULT HILL ON "HOT PURSUIT," FORD ASKS

House Republican Leader Gerald R. Ford called on President Johnson yesterday to clear with Congress before committing U.S. troops to any "hot pursuit" of Communist troops across the Cambodian border from Vietnam.

"Personally I feel they have not made a case for hot pursuit," he told a news conference in commenting on current Administration efforts to bar use of Cambodia as a Communist sanctuary in the war.

"It is important that they [the Administration] come to Congress, present the problem, and get our concurrence before they adopt a new policy of hot pursuit. This would be a drastic change," he said.

Ford said he believes North Vietnam is displaying a "change of attitude" that could lead to negotiations and an end to the war, but he warned against any cessation of U.S. bombing until Hanoi also scales down the conflict. At a minimum, he said, North Vietnam should halve the flow of manpower and supplies across its border into South Vietnam.

Ford generally supported Mr. Johnson's conduct of the war. He said the recent intensification of air raids over North Vietnam represented a change of policy which he, as well as others, pressed on the President for months before it was ordered.

While denying any inside knowledge, Ford said current "feelings" from Hanoi on the possibility of starting negotiations may have resulted from the new pressure from the air. He said these Communist approaches appear "at least superficially" to reflect a change in attitude.

He commended Mr. Johnson's cautious response to Hanoi's reported willingness to talk if the bombing is halted.

On another point Ford said that he still does not think President Johnson has made a case for his proposed tax increase, and he does not believe Congress will approve it. Mr. Johnson's proposed curbs on overseas travel impress most members as an "expedient" rather than a solution but likely will be approved in some form.

Of course, the policy we are pursuing today is not "hot pursuit." It is a calculated operation. You do not get 50,000 troops together on the spur of the moment or in an afternoon.

This took at least 2 or 3 weeks or a month of activity. Did they come to the Congress or did they consult with us? The Secretary of State said they were going to consult with the appropriate people in the Congress.

Now, what is the difference between the situation then and the present situation? The only difference I can see is that then we were talking about hot pursuit, and now we are talking about a carefully planned major operation, which is a far more serious matter. So the prior concurrence Mr. Ford felt was essential to hot pursuit is even more essential to a planned offensive.

The purpose of the amendment now before us is to require exactly what Mr. Ford said he wanted, and I hope I shall have the pleasure of his support for it.

What we have here is a singlehanded redefining of the Constitution on the part of the President. Not only was the Congress not asked for its advice and consent; we were not even notified. The North Vietnamese apparently knew about this operation 3 days in advance,

the Veterans of Foreign Wars got a few hours' advance notice, but we had to read about it in the papers.

We cannot let this go on. If the only way the Congress can make its will felt is to place explicit restrictions on authorization and appropriations bills, then let us do it.

As far as the Cambodian operation itself is concerned, I say for God's sake let us stop confusing Vietnam with World War II. You cannot win a guerrilla war by going after strong points, road crossings, supply centers, and things like that; the other side is too dispersed. Any guerrilla force knows it cannot allow itself to depend on any single point, or any 20 points, because these are liable to be knocked out. The idea of attacking central points attracts us because it lets us use our firepower, but let us not kid ourselves into thinking it has any lasting effect. What we have here is just another search-and-destroy operation: the kind of thing we abandoned 2 years ago because it was not doing us any good.

You just cannot hope to deny supplies to a guerrilla army of this type. The amount of supplies they need to keep going is a tiny fraction of what they can bring in.

We were led to believe the COSVN headquarters was sitting right out in the open, smug and inviting; all we had to do was decide to take it out. Now we find our generals saying they are not sure where it is, and they are not even sure what it looks like. Maybe it does not exist at all.

It is bad enough that we further alienate our allies and divide our people at home with this move that has almost no hope of improving our position in Southeast Asia. But the fact is that every time we have escalated the other side has escalated in return. If anybody can suggest why he does not expect the pattern to hold true in this case, I would like to hear it.

The administration does not even seem to have a clear idea of what its motivation is. Half the administration spokesmen say we have to wipe out the tremendous North Vietnamese force in Cambodia before it overruns all of Southeast Asia. The other half say the North Vietnamese Army is depleted and decimated, Vietnamization is a brilliant success, and the Cambodian action is merely useful in clinching our victory.

I do not like this operation, and I wish the President had not listened to the wrong advisers. But it is underway, and I do not suppose we can cut it off in the middle.

The amendment we are considering would not do that. I think it is as moderate and restrained as we can get and still protect the national interest.

The amendment will not go into effect until July 1—8 weeks from now. By that time, the current operation will be over. Yesterday the President told us he absolutely expects to be out of Cambodia within 6 weeks. He said if he is still in there by the beginning of fiscal 1971, he is going to get some ensign and make him Chairman of the Joint Chiefs of

Staff. So the amendment will not affect the present operation.

It also will not affect the use of advisers and air support.

What it will do is confine our part of the ground war to Vietnam. We have to do this. We are not going to make the war smaller by making it bigger.

I am sure that enlarging the war is the last thing our colleague from Illinois PAUL FINDLEY wants to see, but in fact his amendment will give the President carte blanche to enlarge the war any time he feels like it.

The clause that permits operations in Laos, Thailand, or Cambodia only "to protect the lives of American troops remaining in South Vietnam" is so broad it could be interpreted as justifying almost any conceivable military operation in Southeast Asia. This is the new Tonkin Gulf resolution. Remember all the Tonkin Gulf resolution did was to authorize the President to "take all necessary measures to repel any armed attack against the forces of the United States."

The clause in the Findley substitute that requires the President to report to Congress after he sends in the troops is not going to do us much good either. The President could commit us to a simultaneous invasion of Norway, France, and Canada, and he could appear before this body, wrap himself in the flag, and get a standing ovation. Once American boys are committed, critical analysis becomes almost impossible.

The time to consult with Congress is before the commitment of troops, not afterward. Consultation after the fact is not consultation at all; the President might as well just let us read about it in the papers.

So what we have in the Findley substitute is the Tonkin Gulf resolution of Cambodia. We have seen where the first Tonkin Gulf resolution got us; now for God's sake let us not have another one.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. ARENDS. Mr. Chairman, I reserve the right to object. I hesitate to do this. I hope the gentleman from California will withdraw his request.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number or words.

Mr. Chairman, I agree wholeheartedly with the statement made by one of the previous speakers. This issue probably has caused a greater division among the American people than any other I have experienced in my lifetime.

There is no question about the emotion of the moment. I think we as responsible legislators ought to inquire within our consciences and ask ourselves if we are not attempting to legislate out of emotion. Are we trying to write a law in a few minutes this afternoon because a certain segment of our society has seen fit to influence change by rioting and burning and killing?

If that is the case, then let us disband the Congress of the United States and

go back to the old Boston Tea Party technique. Mob violence and anarchistic practices may be acceptable as a force for change in totalitarian nations but not in this Republic.

We are here to reason.

I sympathize with everyone who is disgusted with this war, and I share their view. I state to you very frankly that if the Gulf of Tonkin resolution were under consideration today, and I had reason to believe it would be used as it has been used in Southeast Asia, I would vote against it. I do not believe we should ever again back our way into a war as we did in Vietnam.

Furthermore, once we committed American troops to moral combat, they deserved the chance to win. But we refused that chance and followed a policy which featured the greatest misuse of air power in the history of warfare. So I have grown disgusted and disillusioned with this war. So much so that, last Thursday, in the well of this House, I rose and spoke against any involvement in Cambodia, even including military advisers.

I did so in good conscience, because I believed wholeheartedly that this could be another means of backing ourselves into a full-scale war in Cambodia with a commitment of advisers today and more support tomorrow, and full-scale support the day after tomorrow.

On the following day I went to the White House and heard the President of the United States forthrightly explain what he did and why. He explained the alternatives which he was forced to choose between. One was immediate withdrawal of our forces—which most people would like if they could have the ideal. The other alternative was to continue the Vietnamization program and a gradual programed withdrawal of forces so that by next year we would have practically every one of our ground combat forces out of Vietnam.

Our President, as Commander in Chief, saw fit to reject immediate withdrawal as a policy, and his only alternative then was to protect his Vietnamization program to give the South Vietnamese time and the training and the wherewithal to defend themselves.

It was the President's point of view that his withdrawal program was dependent on destroying caches of supplies and the underground bunkers across the border. He reasoned that as long as these supplies and facilities existed American lives were in danger and withdrawal of U.S. forces would be delayed. He convinced me of his absolute unqualified sincerity in accomplishing that objective only and then withdrawing from Cambodia.

Therefore, since these are the alternatives, and since the President has accepted Vietnamization and the continued withdrawal of U.S. forces as his policy and he chose to move to insure the success of that policy, the only question left is what can we in Congress do to speed up that withdrawal to the fastest practical rate. Speedy withdrawal is what I want and what everybody wants—just as fast as we can get it.

So I raise the question: Is this the vehicle to accomplish that purpose? If we pass this Reid amendment, what do we have? We would be simply stating that after July 1 we cannot commit a single U.S. ground combat force to Cambodia unless it uses ships, missiles, aircraft, tracked vehicles, or rifles which were bought prior to July 1, 1970. This bill does not authorize a cent for personnel, for nontracked vehicles, or for operation and maintenance. It applies only to procurement which will take place in years to come. Taken in context with the fact that the President has promised a withdrawal from Cambodia long before July 1 it is obvious that the Reid amendment will have no effect on the withdrawal rate from Cambodia and Vietnam.

The proper vehicle is to amend the appropriation bill which deals with the entire military budget including manpower. Last year's appropriations bill forbids the use of ground combat forces in Laos and Thailand. That language can be repeated in this year's bill and Cambodia can be added. I will support such a limitation.

I believe we should vote the Reid amendment down, and support the Findley amendment. Then we should take the rational and unemotional next step of limiting the commitment of ground combat forces to Laos, Thailand, and Cambodia in the appropriation bill.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I found much to agree with in what was said by the previous speaker, but I cannot accept the proposition which I have heard year after year after year, that this is not the right time and this is not the right vehicle to do anything or say anything about Southeast Asia. We always hear this. It is never the right time and it is never the right vehicle. It never has been the right time and it never has been the right vehicle.

As I said, I agree with much of what the previous speaker said. I simply do not know whether the President's moves, so far as Cambodia is concerned, were right or wrong. I believe that the military advantages to be gained from them are going to be less than the political disadvantages which are obvious from his having taken them, but I cannot prove it.

But there were things we heard at the White House yesterday of which I do approve. We heard, for example, that we had been requested to provide 400,000 troops in Cambodia, and the President said "No." We heard that we had been requested to provide, after that, for a lesser number, 200,000 troops, and the President said "No." And we were requested to provide advisers, and he said "No."

However, to say that by passing the Leggett amendment or the Reid of New York amendment we are tying the President's hands is pure "hogwash." This is a bill to authorize the procurement of aircraft, missiles, ships, and tracked combat vehicles with fiscal year 1971 funds. The least length of time that we are going

to get tanks in the hands of our troops with fiscal year 1971 funds is 2 years from now, and planes will take longer than that, and missiles will take longer than that.

The only way we are tying the President's hands by adopting the Leggett amendment or the Reid of New York amendment would be if our troops are going to be in Cambodia 2 years from now.

I hope that the Leggett amendment is adopted. I hope that the Reid of New York amendment is adopted.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the preceding speaker has made a point very clearly today which I raised in the colloquy last week, about the immediate effect and impact of any of the amendments which we are now considering.

We need to get down to the practical aspects, as the gentleman from New York has just done. We are not hurting the Commander in Chief when we state here a principle which is to take effect July 1, and which expresses a deep national conviction that Congress as representatives of the people should assert itself on this vital issue.

What we are doing, if we adopt one of the pending amendments is expressing the sense of the Congress. We have the opportunity on a bill which is certainly relevant to the whole issue; a military procurement authorization bill, to state what the sense of Congress is. I believe we ought to do that, even though it may have a limited legal effect.

Frankly, I said so last week, and I do not believe it is going to tie the administration's hands one bit, but it will tell the President and the American people clearly that the Congress insists on being consulted prior to the commitment of American military forces in foreign countries.

This is why I support the Leggett amendment as against the Findley amendment. The Findley amendment whitewashes the whole constitutional question of the President's action of April 30 of committing U.S. forces in Cambodia. I don't believe the Congress should do that at this time. We ought to have, I think, sometime, somewhere, in a proper committee of this House, a full review of the entire Constitutional question.

In the present instance the President resolved the issue in his own mind as the Commander in Chief. He cites the rationale of pursuit in self-defense and need to protect lives of Americans in South Vietnam. He has also used the rationale that the territory which was entered is not Cambodian territory; that it is under the total control of the Communists and therefore there was no invasion and therefore we did not cross the border of a neutral country which, by the way, objected to our entry.

That is fine if you can accept it; if it is legally sustainable under our constitution; if the Congress wants to go along with it and the American people will accept it. But I do not think we ought to back into this kind of involvement by way of the Findley amendment, which en-

dorses what the President has done, and grant him the approval of Congress in the future on powers which the President alleges he has under the Constitution, but which are widely disputed. I know the Findley amendment is offered in perfectly good faith. It supports fully the President's incursions into Cambodia. It whitewashes the whole question of the constitutional issue, which I believe, gentlemen, is fundamental. Accordingly I submit we should not support it.

Mr. Chairman, why did we announce the incursion? Why did we announce the number of U.S. personnel involved? Why did we announce the composition of the forces? Why did we announce our objective? Why did we announce that the United States was coming out on July 1? If the United States has told all that to everybody, then what is the big surprise? Why not have consulted the Congress in advance?

This announcement by the President was of very major international and domestic importance. It was not a mere military stratagem previously endorsed.

Why should not the representatives of the people, the U.S. Congress, at least the Foreign Affairs and Armed Services Committees have been advised before the fact?

Mr. Chairman, I enter this debate on the pending amendment not only as a Member of the U.S. Congress with nearly 16 years' tenure but also as a member of the House Foreign Affairs Committee, as chairman of the Inter-American Affairs Subcommittee; as a former chairman and now ranking majority member of the International Organizations and Movements Subcommittee; as a member of the State Department's Organizations and Foreign Operations; and the Special Subcommittee for the Review of Foreign Aid Programs. By appointment of Richard Nixon I represented the U.S. Government as a delegate to the 24th General Assembly of the United Nations. I have supported the foreign policies of our Government under Presidents Eisenhower, Kennedy, Johnson and Nixon.

Foreign policy is not and should never be a partisan issue, but now I am most concerned. The question before us today is simply—should U.S. ground combat forces be committed in yet another country in Southeast Asia with no prior consultation with the Congress? Unfortunately, this issue must be debated in the past tense since that commitment has already been made.

When the President announced on the evening of April 30 that American ground combat forces were that evening preparing to enter the Communist held sanctuaries in Cambodia, I immediately made my reactions and my analysis of this action known to the news media.

I stated that I was shocked and dismayed at this additional commitment of American ground forces in another country in Indochina when we had recently been assured that such a commitment would not be made. Is this Cambodian thrust a signal to the world—that the United States is committed to the entire struggle in Indochina?

I made it clear that I am not for a

major commitment of our ground forces in Cambodia or any other place at this time.

I also questioned whether the President's action would bring Hanoi to the bargaining table. In my judgment, I felt that it would not. Hanoi has never demonstrated any intention of seriously considering the substantive issues in negotiations—whether facing greater military pressures as in the past or whether facing the withdrawal policy of the present. Therefore, I felt it was unrealistic to expect that our planned action in Cambodia would bring about a greater willingness on the part of Hanoi to negotiate—but rather an escalation in Hanoi's military response could almost definitely be expected.

I said that if our military assessment at the time of the President's decision was that the enemy was so weak and battered that this assault could be directed and completed in a relatively short time, and our objectives accomplished, the President's gamble would have been a successful one. Unfortunately, we have no evidence whatsoever that this is the state of the enemy forces.

I added that the danger lies in the alternative—if our ground troops are not reasonably successful, it would necessitate an increased American commitment for the very same reasons that were urged as a basis for the President's initial decision.

It was also clear to me that the President had completely reversed his policy in several respects. First, the commitment in Cambodia was made by the President despite assurances that no such commitment would be made. Second, the commitment was made without the prior approval or consultation with the Congress despite the President's assurance that such consultation would take place. Third, the President has given assurances that we were seeking a political solution to the war through continued peace negotiations, U.S. troop withdrawal and Vietnamization. By expanding our commitment into Cambodia, it would appear that he has now not only reverted to the previous policy of military escalation but has elected to expand the war into new frontiers.

To further confound the issue, Secretary of State William Rogers, appeared before the House Foreign Affairs Committee on March 26. I interrogated him specifically on the question of whether U.S. ground forces were to be committed in any other area. He assured me that there were no plans for such action.

Mr. Chairman, subsequent events have begun to corroborate my immediate reactions. U.S. forces have met little resistance in the three sanctuary areas entered last week. Some ammunition and supplies have been seized—some food has been obtained and some buildings razed. Today, three more sanctuaries were invaded by United States and South Vietnamese ground forces. It would appear that immediate results at least did not justify the tremendous military, political and foreign policy decisions of the President.

The President has assured us that

troops will be quickly withdrawn—and that no U.S. troops will advance further than 21 miles inside the border of Cambodia. I hope this is in fact the situation. The news first advised us that U.S. troops would be in Cambodia only a few weeks—3 or 4. Then the estimate was reported as 6 or 8 certainly prior to the start of the rainy season. Now the report is that they will certainly be out by July 1—will U.S. troops be there longer? Only the President knows but we must guess.

Mr. Chairman, I call to the attention of our colleagues recent editorials from the Miami Herald and the Miami News which express similar disappointments and reservations regarding the President's decision:

[From the Miami Herald, Apr. 28, 1970]
INDOCHINA IS NO PLACE FOR THE UNITED STATES TO FIGHT

President Nixon has come to the hard rock of decision.

Should the United States respond to appeals for aid from the beleaguered Cambodian government, supplying arms at least and later men, as in Vietnam, at most?

Or should this country recognize the fact that there is an Asian, or Indochina, war involving Vietnam, Laos and Cambodia, which outsiders cannot reconcile?

The first question, if answered affirmatively, would reverse the de-escalation of the Vietnam phase of what has been all along an Asian conflict at the very time that Mr. Nixon was making good on his pledges of troop withdrawals. It would also risk headlong U.S. involvement on the premise that the government of Premier Lon Nol in Phnom Penh otherwise would collapse.

Reports from Saigon that recently ousted Premier Sihanouk, a "neutral" in the same sense that anyone can be a neutral in Ireland, may be spirited into Cambodia raise the odds against Lon Nol. His government has been vigorously anti-Communist.

Secondly, and on the other hand, the war is a political hybrid. The temptation is strong to let these peoples of ancient cultures stew in their own mortal juices.

In recent weeks there have been wholesale killings of Vietnamese in Cambodia without distinction as to their politics. As long as five years ago, Prince Sihanouk was charging before the United Nations that the Vietnamese are "eternal imperialists" intent on gobbling up Cambodia.

The quarrel goes even farther back in the history of Southeast Asia.

The Khmers, or Cambodians, once had an empire which extended over large parts of Vietnam, Laos and Thailand. In the 14th Century, the Vietnamese began encroaching on the Khmers and in 300 years had wrestled away the Mekong Delta region of Cambodia. Thailand, or Siam, joined the match over the next three centuries. The whole area of Indochina was glued together under the French, only to come unstuck in recent times. Hatred of the French was perhaps no more intense that hatred of one another.

There is no role here that the United States can play without further loss of life, treasure and prestige. It is time to get shed not only of the war in Vietnam but the larger war of which it is a part. In one fashion or another it has gone on for centuries, and probably is fated to go on for centuries more.

[From the Miami Herald, Apr. 30, 1970]
DEEPER INTO ASIAN WAR: WHO ASKED CONGRESS?

In "a necessary and effective measure to save American and other free world lives" the

United States is sending advisers, tactical air strikes and other support for South Vietnamese operations in Cambodia.

This is the Pentagon's confirmation of an announcement from Saigon of an operation already launched. Thus in a matter of a few days the United States has gone from shipping limited arms supplies to Cambodia to active participation in a war on the soil of that country.

The move is shocking all the more for its cynicism. South Vietnamese units, says Saigon, have been ordered "to return to the territory of the Republic of Vietnam right after the completion of the operation in the spirit of the respect of the independence, neutrality and the territory of neighboring Cambodia."

It is true that Cambodia has been used as a refuge and a supply area by the Viet Cong and the North Vietnamese. It is true also that the independence of Cambodia has been threatened by both elements, plus its own dissidents.

The fact remains, however, that the United States is fighting on the territory of another nation without a declaration of war by Congress and apparently without candid consultation with leaders of that body.

The Constitution delegates to Congress the authority to declare war. That power evidently has been passed to the Pentagon without constitutional amendment.

The commitment to Cambodia, with even more than the earmarks of the involvement in Vietnam, comes at a time of trouble not only at home but in other parts of the world.

A widening of the war in Asia, where ancient quarrels have repeatedly ensnared Westerners to their woe, is bound to be costly in blood and treasure. Cambodia is a country about the size of the State of Washington with a frail army and an abiding hostility for the Vietnamese—all Vietnamese. Forays across the border can only lead to deeper and deeper involvement in what is now acknowledged to be the "Indochina war."

While the head of this country is turned the Soviet Union has sent pilots to man Egyptian aircraft in a manner reminiscent of the Spanish Civil War a generation ago. This is a grave development in an area of the world where the national interest of the United States is plainly visible. In a few days this open and documented Russian intervention in the Middle East conflict could swing the balance of power against Israel, the only friend of this country in that embattled area.

Neither development bodes any good for the American people, who must pay the price of a faltering leadership.

[From the Miami News, May 1, 1970]

NIXON HAS PUT US IN A NEW WAR

In the strange semantics of our war in Southeast Asia, dispatching troops into a foreign country is not an invasion, fighting in a new country is not an expansion, increased military activity is not an escalation.

If only President Nixon could make it so by saying it's so. But taking the administration's own advice, we must heed what the President is doing and not what he is saying.

What he is clearly doing, despite his rationalizations to the contrary last night, is putting us into a new war, enlarging the risk of Chinese intervention, endangering more American troops in a corner of the world where our involvement is questionable and our future obscure.

Sen. George McGovern, who happened to be in Miami at the time of the President's address, summed it up in one word: "Appalling."

Senator McGovern is a Democrat and a long-time dove on Vietnam whose assessment might have been predicted. Yet the com-

ments of several members of Mr. Nixon's own party during hearings earlier this week before the Senate Foreign Relations Committee indicate that even the Vietnam hawks will be apprehensive over this new development.

It would be comforting to believe that Mr. Nixon can make good on his promise that this incursion will last only long enough to wipe out a North Vietnamese sanctuary. Then our troops will be withdrawn and we can proceed with the "Vietnamization" of the original war, the President said.

Nothing in the history of the Vietnam war, however, suggests that the North Vietnamese or their Cambodian allies will fight according to our Western ideas of victory and defeat.

Time and again we have raided "sanctuaries" in South Vietnam, proclaimed the area secure and gone on to new battlefronts, only to see enemy guerrillas melt back into the area and continue their operations. What encourages Mr. Nixon to believe that he can wipe out a headquarters enclave in Cambodia, fallback across the border and proclaim a victory?

Mr. Nixon's address last night was alarmingly reminiscent of countless other addresses on Southeast Asia in which President Johnson issued similar proclamations about our determination to avoid "defeat" in Southeast Asia.

Events proved that Mr. Johnson had no clear notion of what a "victory" would consist of in a conflict that had so many ingredients of a civil war.

Now we have widened that conflict into a new country which is undergoing a civil war of its own, and the war in Vietnam is another step closer to becoming a war for all of Southeast Asia.

[From the Miami Herald, May 2, 1970]

RERUN OF A BAD DREAM, THIS TIME IN CAMBODIA

First the arms . . . next the military advisers . . . then the troops.

The script in Cambodia shockingly is the same as the story in Vietnam in the days of Kennedy and Johnson. We can hear Lyndon Johnson asking Congress for \$700 million in 1965 (this year the war will cost \$17 billion) when there were 30,000 Americans in the jungles and paddy fields and saying: "We have no desire to expand the conflict."

Reading yesterday of the loss of the first GI on official duty in Cambodia we can recall the days of 1963 when the death of a single American was a news event and the toll mounted alarmingly to eighty.

Then as now the host government opposed American involvement at first. The Vietnam government urged the withdrawal of American advisers. Cambodia, never consulted before 8,000 U.S. ground troops crossed its borders, "will protest."

So a nation that cannot realize its mistakes is condemned to repeat them. This, we regret to say, is what President Nixon has done in escalating the war in Southeast Asia.

The intrusion of Cambodia, alongside Vietnamese troops only lately regarded as shaky, is described as temporary—to clean out North Vietnamese and Viet Cong command posts before the monsoon season begins later in May.

But large bases are under construction. This makes a mockery of the national policy of withdrawal from the Vietnam war.

The credibility of Nixon policy also must fall in question. Cambodia has been a neutral. It wishes to remain a neutral. The North Vietnamese and the Viet Cong have violated that neutrality. So, over the border, to help Cambodia "defend its neutrality."

To give Mr. Nixon his due, he is taking a military gamble which has enormous risks. If he fails he may indeed become "a one-term President." If it succeeds (whatever success in this instance really means) he will have spent more blood and treasure in the Asian morass.

For most of Congress, and, we believe, most Americans are opposed to any more military ventures in Asia. Neither Congress nor the people were consulted. American troops are engaged in yet another foreign country without a declaration of war against anybody.

"I promised to end the war," said President Nixon Thursday night. "I shall keep that promise. I promised to win a just peace. I shall keep that promise. We shall avoid a wider war. But we are also determined to put an end to this war."

We have heard it all before—endless times. Sadly, it is not just a bad dream; it is reality in all its folly.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bingham and Leggett amendments to the Reid amendment and in opposition to the Reid amendment and in favor of the Findley amendment.

I find this talk about the Findley amendment whitewashing the constitutional question to be most interesting. Actually what this House has been doing and what this Congress has been doing has been whitewashing the constitutional question ever since the Gulf of Tonkin resolution was passed in the 89th Congress. Also during the 90th Congress, under the previous administration, we had an opportunity to see almost 540,000 U.S. troops sent to South Vietnam. We saw this war escalated in every possible way, and on many occasions I took to the well of this House to denounce the escalation of this war by President Johnson and his "no win" policies. We kept bombing North Vietnam until, coincidentally, just a few days before the 1968 presidential election.

Now I am quite surprised to see some of the people who supported the policies of the previous administration rushing to attack President Nixon. It is a very curious about face.

Let us make no mistake about it. This administration inherited a mess in South Vietnam.

It is going to take more than just a year or two to straighten out this mess and to get ourselves out of Vietnam in a proper manner.

I have already publicly stated last week that I do not agree with the President's move in sending troops into Cambodia. I further stated that if Thailand, Laos and Cambodia as well as South Vietnam, all of whom are threatened by Communist aggression, really wanted to get the Communist forces out of Cambodia, they could have done so. The combined population of the countries I have just mentioned is approximately 63 million. The population of North Vietnam is approximately 19 million. So, if they had wanted to do the job, they could have done the job.

I also want to take some very strong exception to some of the statements I have heard here this afternoon to the effect that Vietnamizing the war in South Vietnam will not work. Let us face the facts. It is working and it will work.

Mr. Chairman, right now, today, there are more than 110,000 less U.S. troops in

South Vietnam than there were on the day that President Nixon was inaugurated. Further, he has already announced on April 20, 1970, that in the next year he is going to withdraw another 150,000 U.S. troops from South Vietnam.

Even though I have stated that I disagree with the action of sending U.S. troops into Cambodia, I do want to make it quite clear that we should take no action—and I am totally opposed to taking any action—that might in any way, whether it be this year, next year or the year after—endanger our forces in South Vietnam and in Cambodia.

So, Mr. Chairman, I urge the adoption of the Findley amendment and the defeat of the other amendments.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes, I am glad to yield to the gentleman.

Mr. ROBISON. Mr. Chairman, whether or not any war is a "right" war is something generally for historians to settle. Be that as it may, I have long since concluded that, for us, the war in Vietnam is quite clearly the wrong war, at the wrong place, and at the wrong time.

For the people of these United States, this whole episode has become a foreign policy mistake of historic proportions, the true costs of which—in terms other than those of lives and treasure—have still to be determined.

Whatever the original justification may have been—in fact or theory—for our becoming so deeply involved in an effort to solve the internal problems of South Vietnam, that justification has long since disappeared. It seems to me that our greatest failure, among the many faulty judgments made in the past concerning Vietnam, has been our failure to keep our role in Southeast Asia in proper global perspective. While there may have been reason, a good many years back now, to try to help the people of South Vietnam preserve their chance at "self-determination," there were equally compelling reasons why that effort, on our part, needed to be kept strictly limited in nature.

For, as I said back in May of 1968—and there were advance echoes of the so-called "Nixon Doctrine" in my remarks—while we may "have a responsibility—because of our strength—to do what we can to help 'organize a durable peace' in this troubled world—to borrow the phrase from Dean Rusk, who uses it often—we, alone, cannot and should not try to insure and maintain peace anywhere and everywhere in such a world."

In those same remarks, I questioned whether Vietnam was, therefore, the proper place to take a stand for "freedom" in the abstract sense, or the wisest choice of strategic spots, if such were our true purpose, to have drawn an indelible line of containment against Communist aggression, of either the North Vietnamese or the Red Chinese variety.

Finally, on that same occasion, in commenting upon the then-developing public attitude toward Vietnam's mounting costs, I said:

People have an instinctive feeling, the correctness of which is hard to deny, that even worthwhile objectives can have a price beyond which it is foolhardy to pay—and that—as, in battle, not every bill is of equal value in lives so, in a long struggle, not every battlefield is worth the same cost to a nation's resources.

Besides this, Mr. Chairman, I have also long since concluded that the war in Vietnam—a war we mistakenly and regretfully made "our" war—is not "winnable," at least in any practical sense that could be related in some fashion to the limited purposes that led us into it; and it would be my judgment that a vast majority of the American people have come to the same conclusion.

In at least an indirect manner, then, it was the force of public opinion so redirecting itself toward our problem in Vietnam that brought about, first, the retirement of Lyndon Johnson to private life and, then, the election of Richard Nixon as his successor.

Whether or not actually possessed of a "plan" to bring the war, insofar as we were concerned, to some recognizably successful conclusion—an exceedingly complex and difficult task under the circumstances—most of us thereupon took heart from Mr. Nixon's subsequently announced policy of "de-Americanizing" the conflict by withdrawing so gradually therefrom as to leave behind a South Vietnam with a chance of surviving on its own. Admittedly, such a policy was a risky one, offering no guarantee of success. While, in many ways, not constituting a good solution—and perhaps there was none such—I have supported this policy as seemingly the only "solution" available to us, and I have done so against the urging of those who, seeing no better or worse way out, have tried to tell me we should just quit without trying to make the best out of the worst.

I have also said repeatedly—the most recent occasion for doing so following the President's announcement of his plan to bring still another 150,000 of our combat troops out of South Vietnam during the next 12 months—that I believed this policy of withdrawal to be an "irreversible" one, paced to but not dependent upon the success of the collateral effort as also directed by the President to "Vietnamize" what might remain of the conflict.

I would, however, be less than honest, Mr. Chairman, both with myself and those of my constituents who may depend, in a limited way, upon my judgment in matters such as this, if I did not now admit that the President's surprising move—in force—into Cambodia has caused me to reexamine this latter question.

On the one hand, I listened intently last Thursday as Mr. Nixon declared:

The action I have taken tonight is indispensable for the continuing success of the withdrawal program.

And as he then added:

A majority of the American people want to end this war rather than to have it drag on interminably, (and) the action I have taken tonight will serve that purpose.

While I hope and pray such will prove to be the case, there is, on the other hand, so many ambiguities about our new situation, and so many parallels between this most recent decision and certain other military decisions as made by former President Johnson respecting Vietnam, as to lead me to share, evidently, with many of my constituents that sinking feeling of "here we go again."

On the basis of immediate military considerations alone, a fairly compelling case can, I suppose, be made for the President's difficult—and, in some ways, courageous—decision, though I would have preferred to see the incursion into Cambodia, if there was to be one, made by South Vietnamese forces alone. That would have been one further way of testing whatever progress has actually been made under the Vietnamization program—and a dramatic test, as well, of what most of us had understood to be the thrust of the so-called Nixon doctrine in such a situation.

However, the die has already been cast for us in the other direction.

Perhaps our troops in Vietnam can be brought home faster through Cambodia; I have my reservations about that, but time alone, will tell.

President Nixon has gambled much on such a hope.

He has also apparently gambled much on the hope that this show of strength—of new resolution—in Indochina will be noted by other powers, and in other parts of the world, where it is altogether possible that the credibility of these United States in a crisis situation has come under some question.

I am well aware of the necessity for concern in this connection.

And I am equally well aware of the fact—as George Kennan, an outspoken critic of the whole Vietnam operation has warned us—that:

Withdrawal from Vietnam is a delicate operation, and the only person who can arrange and direct it is the President.

But, Mr. Chairman, the events both of the past few days and the shadows cast by events yet to come out of all this demand that we, in Congress, be equally aware of our collateral responsibility with the President for the direction of foreign policy.

A penetrating editorial in this Monday's edition of the Wall Street Journal" has reminded us that:

Though doubts and ambiguities are the price of a free society, the purpose of any foreign policy strategy is to preserve our free society, not to destroy it.

The editorialist then goes on to declare that:

The Vietnam war has taken such a cruel toll in destruction of the bonds of consensus and authority that allow a society to operate both at home and abroad that, by now, the danger of disintegration here is far more serious than any military threat in Indochina.

Mr. Chairman, it is with a heavy heart that I conclude such to, indeed, be the case; and that any further escalation of our involvement in the conflict in Indochina—or any further widening there—

of—can only hasten that process of disintegration.

On last Thursday night, the President rightly said:

It is not our power, but our will and character that is being tested.

But not even the greatest power on earth can fight with troubled conscience, in a war without seeming end, for purposes so largely undefined—obtainable at only an unreasonable price, however desirable they may be in coldblooded terms.

I am therefore voting, today, for the Leggett amendment language to be added to this bill—inadequate vehicle though it may be—expressing the sense of Congress against the use of American ground combat troops in Cambodia, Laos, or Thailand. This is an inadequate vehicle for such purposes, as we all know, because funds for such purposes can only be provided through other legislative channels than this—and this bill, if enacted with such an amendment, would not even take effect until July 1, since it applies only to the forthcoming fiscal year; all of which helps point up the truly limited nature of congressional powers over the making of day-by-day foreign policy.

If such language does not become, by way of amendment, a part of this bill, I shall vote against it—something I might well have done in any event since, absent whatever the recommittal motion may change, the bill presently contains moneys for both phases I and II of the anti-ballistic-missile program that I oppose this year as in past years, as well as moneys for other items of military procurement that I do not believe necessary to our national security.

I know that, in some quarters, this action on my part will be taken as a break with the President whom I have, otherwise, so strongly supported.

That may not, so much, be the case if Mr. Nixon and his advisers mean what they seem to be saying about this incursion into Cambodia, in concert with South Vietnamese troops, being a "one-shot" affair, aimed at a specific, limited, military target or targets, with all of our troops being withdrawn from Cambodian soil within a matter of weeks, and thus well before the July 1 effective date of this bill.

But, if events should prove otherwise, I am hopeful that both the President and those of my constituents who are interested will understand that, even as Mr. Nixon has indicated that he took the action he has as a matter of conscience, my action in this regard has been similarly dictated.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I support the Leggett amendment and I do so because I believe that it is incumbent upon the Congress to take a strong stand in opposition to further broadening of the war in Southeast Asia. I know of no better way for the Congress to meet its obligations

and to press for deescalation of the war than to insist that none of the funds authorized for military procurement be used to finance the introduction of American surface combat troops in Laos, Thailand, and Cambodia without prior consent of the Congress.

The decision to enter Cambodia without warning to the country or prior consultation with the Congress has shocked our people and while the President and the administration have taken great pains in recent days to stress the restricted nature of this operation, nevertheless the fact of apparent escalation and the movement across another frontier have raised doubts in the minds of the people of the country that will not be laid at rest and will further tear our already tattered social fabric.

The operative portion of the Findley substitute is substantially the same as the Leggett amendment except that coming after the move into Cambodia his substitute might at a later date be construed to be a ratification of the President's move. In addition, the language of the exception which authorizes the President to act, in essence adds nothing to the Leggett amendment since in my judgment it states a legal position which the President is authorized to take and which in fact President Nixon now claims is his right under the Constitution.

I believe that we must concern ourselves not only with the purely military situation on the ground in Southeast Asia but also with the state of public opinion, dissent and violence in our own country, and at the same time have a reasonable regard for public opinion through the world.

For these reasons I believe that the Leggett amendment should pass since it will give the Congress some opportunity to express its views on the subject of the expansion of military activity in Southeast Asia.

Mr. O'HARA. Mr. Chairman, I am one of those referred to by the last speaker who supported or at least refrained from public criticism of the policies of the last administration in Vietnam. When I first discussed the introduction of U.S. troops into Vietnam with high officials of the last administration, I questioned whether we could salvage the situation there at a reasonable cost. I thought that if we could not—and I said so—then we ought to stay out of South Vietnam, draw the line elsewhere and take other steps to safeguard our essential interests.

I was assured that we could salvage a free South Vietnam with a limited commitment of troops for a limited period of time. Not being a military expert, I accepted that assurance. Events since that time have clearly demonstrated that those assurances were mistaken—given in good faith, but mistaken.

It is, then, with some reluctance and with regret that I now rise to express my disagreement with the President's most recent actions in Southeast Asia.

My reluctance stems from the fact that I do believe that the conduct of our

foreign policy is primarily, though not entirely, a Presidential responsibility.

I rise with regret because I have hoped for the past 6 months that we were heading in the right direction, and that, without approving of the details of the President's policies, or without endorsing everything that he said in his several speeches to the American people, I could take comfort from the fact that the President seemed to be trying to extricate us from our mistaken military involvement in Southeast Asia.

Mr. Chairman, it has long seemed clear to me—and I have thought to most of us—that what little we have achieved, or indeed, could achieve, in Vietnam has not been worth the cost, and cannot now be made worth the cost. It has long seemed to me that we should cut our losses and disengage ourselves from this seemingly endless war. Disengagement, I admit, is not the perfect ending to the sacrifices we have made out there, but it is the best of a set of bad alternatives, and is most assuredly preferable to the loss of more and more lives in a cause the cost of which already exceeds its value.

Mr. Chairman, it has seemed to me from my mail and from my conversations with my colleagues, with my constituents, and with others that this view was rather widely shared. Most Americans, it seems to me, have come to the same conclusion about the continuation of this war.

And it had seemed to me, as I listened to the President's speech last November, and his speech of a very few weeks ago, that the President, too, shared the view that getting American soldiers out of Vietnam and handing the destiny of that unhappy land over to its own war-weary people was in our best interest.

The President has spoken persuasively about Vietnamization, and narrowing the conflict, and taking every step open to us to end the war by negotiating.

Because the President has been so insistent along these lines and because I believed that his course was at least headed in the general direction that I wanted to go, I have not publicly criticized him on this issue.

But now, Mr. Chairman, the situation has changed. Now, it seems obvious, we have turned away from the policies which the President had expounded. The President's decision to invade Cambodia and undertake a limited bombing resumption involves an intensification of the war, and no amount of doubletalk or Pentagonese phrases can alter that fact.

How many times, Mr. Chairman, have we been told that one more offensive, one more operation, one more sacrifice would finally finish the enemy's ability to carry on the fight? Is there anyone who still can hear that well-worn phrase and believe it?

Too many lives have been lost, too much money spent, and too much damage done to our national character for this war to continue. And the idea of serving our national interest by actually expanding the war seems to defy reason!

Mr. Chairman, I support the objectives which the President has repeatedly an-

nounced as his objectives in Vietnam—Vietnamization of the war, and getting American men home. Those objectives are not served by a new war in Cambodia.

The way out of this war, Mr. Chairman, is out, not deeper in. The way to serve our national interest is to disengage, deescalate, and cut our losses.

In announcing his decision, Mr. Chairman, the President spoke of avoiding "the first defeat in our proud 190-year history." But defeat is not the question. The question is whether or not victory is worth the lives that would have to be paid to achieve it.

In Indochina, we must face up to the fact that the cost of victory is too high to justify its continued pursuit. The use of emotional oratory about an American defeat will not alter that fact.

It is time, Mr. Chairman, for all of us to stop demonstrating our own courage at the cost of other men's lives.

I intend, therefore, to support the Leggett amendment, and to support the Findley amendment only if the Leggett proposal is adopted.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to join the gentleman in the well in his remarks, and state that I too am going to support the Leggett amendment.

I would like to discuss the legislative procedure here that may come up. If the Leggett amendment is not adopted and the so-called Findley amendment is adopted, and there is a motion to recommit offered—and then the previous question will be moved, the previous question must be voted down so that the motion to recommit can be amended so that we can then tack on the Leggett amendment onto the motion to recommit.

Mr. O'HARA. That would be my understanding of it. However, perhaps you should direct your inquiry to the Chair.

Mr. CONTE. That is the gentleman's understanding, if that situation should occur. I thank the gentleman.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding, and I also wish to join in the remarks of the gentleman in the well. I too supported the former administration until it reached the point where I felt that we were simply getting deeper, and this is a policy question. I thank the gentleman for yielding.

To me the issue today on these amendments is whether we support the President in expanding and reescalating this war without congressional authorization. I will vote for the Reid and Leggett amendments and against the Findley amendment. This puts me on record in this debate against expanding and escalating this war into Cambodia.

I deplore the fact that we have not been able to debate this war in Congress. A debate followed by a record vote would allow the Nation to reflect its opinion in the fall congressional elections. Instead the Republican leadership has

joined with a segment of the Democratic Party to prevent a continuing series of indicative votes on this issue. This has prevented the issue from being directly discussed and decided in the political and governmental arena, and has driven the issue into the streets and onto the campuses. This is a great tragedy. The great strength of our democracy is that it rests on the consent of the governed, which is registered by voting for officials who are judged by the votes they cast on the fundamental issues of the day. The policy of the Government thus changes with and reflects the position of the people. We must restore this system or the people will continue to lose confidence in this institution and it will be nothing but a debating society, and the people will look only to the executive department or, even worse, will completely lose confidence in government.

We must end this war and the best way to protect our troops is to take them out of Indochina. For too long we have been told that we can protect our troops by putting in more troops or by expanding the war into some new phase. I refuse to accept that argument. The President said his policy was to end the war and withdraw the troops. This invasion of Cambodia has changed that policy and I oppose this new policy of escalation by the present administration.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman in the well, and commend the gentleman for making them.

Mr. Chairman, on April 30, the President of the United States ordered an attack by American troops, operating with the South Vietnamese, to "clean out" enemy sanctuaries in Cambodia. On that day and again on May 1, I sharply protested that action.

Today, I am joining several of my colleagues in the House of Representatives in further protesting the President's decision. My strong objection to the administration's new policy rests in several areas of disagreement, some of these historical, some military, others political and moral.

Before my colleagues here I wish to mention but three of these objections. In addition, I would call to their attention a roughly drawn policy alternative of my own which may well encourage debate in this body toward the end of setting a new national policy of winding down the present build-up of armed hostilities.

I remain astonished by and steadfastly opposed to our President's new policy for the following major reasons:

First, the President's calculated invasion of Cambodia dangerously escalates the risks the United States is willing to take in Southeast Asia, while proferring seemingly marginal and illusive military and/or negotiating leverage in exchange.

Second, the President's justification for his policy of widening the war is to provide protection for American troops so that a scheduled withdrawal of 150,-

000 U.S. combatants may be accomplished over the next year.

This is, of course, a thinly differentiated version of the rationale provided by the former administration and its military policy advisers. Each time that President sent in an additional 100,000 or 150,000 troops, it was to protect those sent before, until we had a half-million men involved with proportionately greater casualties and deaths following each step-by-step escalation.

Today, this President is asking the American people literally to accept "defense by invasion" in order to save lives. I do not believe our citizens understand this strange explanation their President is asking them to believe.

My third and final point—I believe it is quite clear that the President's new policy openly violates his earlier articulated policy for Southeast Asia.

The Nixon doctrine pledged that the United States upon request would aid those nations in Asia and around the world with whom we have military treaties. We have no treaty with Cambodia.

Cambodia is a neutral nation. We had no request for troops there at the time of the U.S. invasion. The Government of that nation cannot even officially approve the aid we give, because of their desired neutrality. And so this administration abuses its own doctrine.

These are obviously days of great peril for our Nation. Our citizens of every rank are aroused, great numbers of them deeply impassioned. Hastily planned protests this weekend here in the Nation's Capital, as well as all across the country, raise the very real potential of new disorders.

Under these conditions, it is imperative that the Congress undertake new initiatives to shape national policy in response to the will of the people. I, therefore, offer the following policy alternatives and to stimulate a new, great debate on winding down the war. I recommend our Government shrink the base of the war by the following actions:

First. Withdrawing American combat troops and personnel from Cambodia.

Second. Naming immediately a top-level negotiator to the Paris peace talks to replace Henry Cabot Lodge, thereby demonstrating this Nation's good faith in those negotiations.

Third. Debating in Congress immediately a national policy of timely withdrawal from Vietnam.

Fourth. The Administration calling upon the United Nations to establish a permanent peacekeeping force in a neutralized zone between the nations of North and South Vietnam.

Fifth. Asking the United Nations to guarantee the protection and integrity of neutral nations (Cambodia) against the invasion of North Vietnam, or other hostile powers.

Sixth. Requesting support from Member Nations of the U.N. in the establishment of a program of economic development to sustain the volatile, inflation-ridden economies of those nations who are now at war on the Indochina peninsula.

I trust that these directives may be carefully considered as potential steps to the peace we seek.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Massachusetts (Mr. CONTE) said:

We will introduce a motion to recommit if the minority does not.

Who is this "we" he is talking about?

Mr. O'HARA. On that I think I would have to defer to the gentleman from Massachusetts (Mr. CONTE).

Mr. GROSS. Is that the Democrat Study Group?

Mr. CONTE. Mr. Chairman, if the gentleman will yield, I would state that we have plenty right over here on the Republican side that will be joining in on that. We have plenty of support for that on our side.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I thank the gentleman for yielding. I support the Leggett and Reid amendments, and I also strongly support the Bingham amendment which would proscribe the funding of any attacks—by air or ground—on North Vietnam.

Mr. Chairman, we have heard many reasons today as to why this is not the appropriate time or the appropriate way for the House of Representatives to reclaim its constitutional authority over the warmaking power. One might as well ask what is the appropriate time to visit Paris? The right time is now—any day, any week, any month. During my first term in the House, during the great 89th Congress, I sponsored a resolution creating a joint congressional committee to investigate what happened to Congress' warmaking power. We can start reclaiming that power and exercising that muscle today by passage of these amendments. Let us get on with it.

We are told that passage of these amendments would destroy the single voice with which America speaks around the world. Yet today, the press informs us that Secretaries Laird and Rogers have been ill-informed of many important military decisions, were only given hours notice of the invasion of Cambodia. The highly respected and authoritative Max Frankel reports on the front page of today's New York Times on the increasing evidence that Secretaries Laird and Rogers had serious misgivings about the use of American troops in Cambodia and that President Nixon's war decisions of the last 2 weeks have been reached in an atmosphere of "confusion as well as disension"—that their "thinly disguised" opposition to Nixon's decision to move into Cambodia was based on "distrust of military and intelligence estimates adopted by the White House", as well as by their fears of the "domestic political consequences of further division of American society and defensive escalation of the President's rhetoric as well as policies." Within the last 10 days—indeed the day after the National Security Council reportedly started to consider further activity into Cambodia and

less than 100 hours before Nixon made his fatal decision, Secretary Rogers was assuring the House Appropriations Committee that the administration had no incentive to escalate, that the intent was to deescalate, and that "we recognize that if we escalate and get involved in Cambodia with our ground troops that our whole program—of Vietnamization—is defeated." Mr. Rogers assured the Appropriations Committee that if the administration ever contemplated "sizable use" of American troops in Cambodia that it would consult fully with the Congress because of the recognized need for public support.

Mr. Chairman, what a pathetic parody of national unity, and what a pathetic parody of straight talking and honest dealing with Congress, and what a pathetic parody of thoughtful inter-agency decisionmaking is represented by this disastrous Cambodian misadventure.

Perhaps it remains for the House to give long-needed, in-depth, thoughtful scrutiny of the whole complex of problems and events triggered by the unhappy decision to invade Cambodia—and to provide some steady, long-range leadership to boot.

Next, we are told that the safety of our troops in Vietnam depends on eliminating the Cambodian sanctuaries. We commenced almost a decade ago defending a handful of American advisers. Today, almost a decade later—a hundred billion dollars poorer and at a sacrifice of almost 50,000 American lives—we still have not established a credible reason for presence in Southeast Asia in the eyes of world public opinion and to leading spokesmen of the press, and civic and business organizations, to a wonderful, infinitely promising generation of university students, and to a sizable portion of this body. The best thing we can do to preserve the lives and safety of our troops is not to get more of them embedded further in that appalling Southeast Asian morass, but to get them out of there and back home as fast as is consistent with their safety and that of Vietnamese nationals whose lives would be imperiled by the withdrawal. No program for insuring their well-being and safety could possibly match bringing them back home alive and well and fast.

Lastly, we are told we should not politicize this decision. But it is in many ways a basic political decision, Mr. Chairman, involving a variety of political and economic tradeoffs. Of course, we cannot make national security decisions based solely on domestic political and economic factors—but they cannot be ignored either; and the political and economic fallout of the Cambodian decision is appalling and will grow more appalling as time goes on if we do not mend our folly. The Cambodian invasion has horrified and alienated our university students by the millions, our intelligentsia—the civic, business, religious, and labor leaders of America—by the hundreds of thousands. It has fed the fires of polarization and alienation of this country and has increased the gap between the establishment on the one hand and the young, the poor, the black, and the highly educated on the other.

In addition, the Cambodian invasion will inevitably make more difficult our fight against inflation; it will increase the pressures for tax increases, and will further erode and diminish the already pathetic level of funding we are making available for rebuilding our cities and for creating viable systems of public health, education, welfare, skills training, and public service employment for the poor.

The course which the administration has charted, albeit with uneven, muted, still and clashing voices, is leading us down a road that can only lead to national disaster. The Congress must exercise its constitutional prerogative and take charge of the warmaking power. We have not done it in the 5 years I have served in this body—let tonight be the night.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. REID) and in opposition to the Findley amendment.

As one who, in 1967, proposed a plan for graduated, reciprocal identifiable de-escalation which led to the eventual cessation of the bombing of the north and the Paris talks, and as one who in January 1968, called for de-Americanization of the Vietnam war, and as one who has supported Mr. Nixon's plan to withdraw U.S. troops, I was chagrined at the decision of the President, without consent of Congress, to send thousands of American ground combat troops into Cambodia, and by doing so, to extend U.S. combat efforts into a nation that heretofore had not been part of the Vietnam battleground.

It is of course desirable and necessary to protect American forces. In the narrow context of the military situation in western South Vietnam, this could be a prudent and possibly successful tactical move. But in a larger context, the context of the American system of government and of our national and international priorities, this Presidential decision raises serious legal and human questions. The best way to protect American troops is to bring American troops home from Southeast Asia.

Last Thursday, before the President spoke, I supported the Reid amendment to the pending fiscal 1971 military procurement bill that would prohibit funds for the introduction of U.S. ground combat troops in Cambodia, Laos, or Thailand. I continue to support this position. I indicated at that time my strong belief that an invasion would render meaningless the most crucial plank of the Nixon doctrine, which was supposed to end the role of America as a world policeman. I stated, as I state now, that the people of the United States have no interest in Cambodia that would override the President's earlier announced intentions to place the burden for the defense of these countries on their own peoples and on other free nations in the East Asian area.

I have heartily supported the President's efforts to withdraw American troops, but I think the process must be speeded up, not slowed down or stopped by a widening of this war. Even if this

Cambodian strategy were to succeed militarily, even if all U.S. troops were to be out of Cambodia in a week or a day, even if the success of these attacks would enable the United States to withdraw its forces in Vietnam at a faster rate, I think the risks involved in this decision are far too great to justify the President in ordering the invasion without consulting the Congress.

Mr. Chairman, I believe that we face at this time a constitutional crisis as well as a priority and a military crisis. I want to support and adopt the statements that were made by my colleague, the gentleman from Florida (Mr. FASCELL) in pointing out that this is a constitutional crisis that we face here.

I think it is very important for us to understand, as sometimes we are not wont to do, that this is a constitutional form of government that we have. There are three branches of that Government: there is the executive branch, of course, the legislative branch, and the judicial branch. We have a responsibility as legislators, as Members of the House of Representatives, to assert our prerogatives under the Constitution, as the President has as the Commander in Chief, and as the Chief Executive Officer. I think that one of the problems that we face today has been the definition as to what the Commander in Chief can do under the Constitution. This, I think, is what the gentleman from Florida (Mr. FASCELL) was trying to point out during the course of his remarks, and they are the same points that I would like to make at this particular time; namely, that we have come to the time when we are not just necessarily endorsing the position taken by the Commander in Chief as though we were members of the military, but that we have to look at it as Members of the House of Representatives, as to what our position is representing the legislative branch of the Government. In 1964 we were asked to support the Commander in Chief on a seemingly very simple resolution, the so-called Gulf of Tonkin resolution. I voted for that resolution, as did many other Members of the House of Representatives and Members of the Senate. I am certain that if that language were to come up again that many of us would not vote for that Gulf of Tonkin resolution.

I point out to you that the Findley amendment has the same connotations as the Gulf of Tonkin resolution because it provides a discretion, a congressionally-sanctioned authority, for the President to proceed to take certain action. We, by the Findley amendment, it seems to me, would be saying to the President that under our constitutional powers we are supporting the action you are taking in Cambodia.

Six years later, in 1970, I think we can look back and see what the Gulf of Tonkin resolution meant. I hope that in the next 6 years we will not have to look back to see what the Findley resolution meant.

I subscribe to the thought that it is desirable for us to support the President as Commander in Chief within the limits of his constitutional powers, and I wish I

could support the President in exactly everything that he has done with regard to Cambodia. But regrettably I feel the amendment offered by the gentleman from Illinois (Mr. FINDLEY) does have the connotation of the Gulf of Tonkin resolution.

I urge my colleagues not to give this authority to the President.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. FINDLEY. Can the gentleman tell me in what respect my amendment would convey one ounce of additional authority to the President? Actually, to the contrary, it enhances the role of the legislative branch, of the Congress, in requiring a reporting procedure where the President under his implied powers does order action by military forces.

Mr. HORTON. In reply to the gentleman, I would say that the Findley substitute amendment has language which says that none of these funds shall be used to finance the introduction of American ground combat troops into these three areas, including Cambodia, without the prior consent of the Congress, except to the extent that such is required as determined by the President. It is not a question of whether the amendment affords the President any additional powers. Crucial here is the fact that this amendment simply endorses presidential action and discretion after the fact. This is an erosion and not an enhancement of the legislative powers of Congress.

I would urge my colleagues not to support this amendment.

Mr. CAREY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Reid and Leggett amendments and in opposition to the Findley amendment.

I do so fully conscious of the wise cautions expressed here by distinguished Members of this body with regard to the fact that we are in what can be called a constitutionally gray area.

No less a scholar than Henry Steele Commager said in his book "Presidential Power":

The Issue Analyzed . . . It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

But I strongly urge that we have in this country a check and balance system in the gray area, and when one branch, the executive branch, goes too far or goes in a direction we feel it should not take consistent with our right and our responsibility under the Constitution to make war and raise armies, we are bound to speak up and we are bound to advise that branch we are going to exercise our power of restraint on such operations. That, I think, is what we are saying here today.

I agree very thoroughly with the gentleman from Illinois (Mr. ANDERSON) that the time has come either by way of a joint resolution or in some fashion, for the Congress to be explicit and to come

out of that gray area and say in black and white that we intend to assume with greater certainty and cogency our function in determining who can say where our boys are going to go and how long they are going to be there and how many we are going to commit.

I think the country wants us to say this. I think the country is divided now because the Congress has not assumed its proper role and responsibility in ending this war by denying to anyone the power to send our troops into areas where they should not go.

I am not here speaking on a partisan basis. I am not speaking to discredit the Nixon policy. I like what I heard the President say in his Guam doctrine, when he said that we would no longer go to aid developing nations willy nilley. Rather, we were going to help them to assist themselves gain and sustain their freedom.

Then, President Nixon violated his own doctrine because he has unilaterally gone into Cambodia. So I am not speaking to discredit the Nixon doctrine or the Nixon policy. In fact, what I am doing is criticizing the continuation of the past administration's policy which has now become this administration's policy.

I call the attention of my colleagues on the committee that that policy was discredited by the voters in 1968 and it is incumbent upon us who were elected to end this war and not to extend it to Cambodia with an additional loss of lives.

Further, I believe in the constitutional powers of the President—but one of those powers is not infallibility. President Nixon has made a miscalculation on this Cambodian expedition and in opposing that miscalculation I have been joined at least by Secretary of State Rogers and Secretary of Defense Laird. It turns out today that they do not approve of his policy and they opposed to some degree of going into Cambodia.

So I am traveling in pretty good company. I think there are many here who have grave reservations about the extensions into Cambodia and the miscalculation it involves. It is not a policy. It is a theory. It is a theory that we can stop the war by hitting the enemy in its viscera. The trouble is it turns out that we cannot even find phantom, elusive, visceral headquarters, which is the objective of our so-called campaign. It is a discredited policy because the people themselves, after hearing the President make his plea for support, on the very next day, to the extent of only 51 percent, were willing to give him the kind of support such a policy requires.

I say it is now our job to correct the miscalculation. It is a miscalculation and it is a costly one, because he has indicated he felt the enemy—and the Vice President said this—did not have the power to retaliate. The enemy is retaliating, and this is the grave and unfortunate truth. Yesterday we had 41 fatalities, the highest in number of killed in any one day of combat since the conflict began to phase out under the wise provisions of the President when he began bringing the troops out of Vietnam.

I say this is not policy; it is theory. We now speak out against that theory. It is already, I believe, a discredited theory because the exploit, if we can call it that, is not working, and I think we will save the President by getting out of Cambodia.

For the benefit of this record, I have traced in history the question of division of powers in defense of our country and I append it to my statement for the information of Members.

The Constitution of the United States of America, article II, section 2, clause 1, reads:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual service of the United States.

Although the history of the past 180 years have tested the meaning of this clause, there is still wide disagreement among the many authorities as to the exact nature and extent of the powers of the Chief Executive as Commander in Chief in the American system of government.

During the past 35 years this question has been considered principally with President Roosevelt's use of the powers of Commander in Chief in the years before declared warfare began late in 1941; President Truman's use of the powers in connection with sending American troops to Europe; and Korea; with the steel seizure case; and President Eisenhower's use of the powers in the Quemoy-Matsu Islands situation and in the civil-defense operation of June 1955.

Actions taken by the President in his capacity as Commander in Chief cannot be understood within the framework of the constitutional grant of such power. Such actions must be also considered from the standpoint of his other Executive powers such as his constitutional powers in the field of foreign relations; his constitutional power to recommend measures to the Congress; the numerous statutory powers granted to him by Congress—particularly those in which he is authorized to act in an "emergency"—and to his powers under the obligations entered into by the United States as a member of such international organizations as NATO and the U.N.

During the Continental Congress the question of the exercise of such powers did not exist since Washington was not President at that time.

Washington's involvement with the Congress concerning military matters dealt solely with establishing the militia and creating the Military Establishment. There were no serious questions in regard to the exercising of his powers as Commander in Chief. In 1798 President Adams, when trouble with France arose, divested himself of Commander in Chief powers and bestowed them upon Washington. This action was confirmed by both House and Senate.

In 1801 President Jefferson dispatched a small squadron of naval vessels into the Mediterranean to protect U.S. commerce against threatened attack by Tripoli. He announced the action in his first annual message to Congress.

In 1811, President Madison announced in his third annual message to Congress that he had employed a naval force to guard the U.S. coast in the interest of national security.

President Madison requested a declaration of war in 1812 which the Congress passed. Under legislation authority delegating to the President the power to call out the militia under conditions of actual or imminent invasion, he called out the militia for service in the war. Three New England Governors refused. The President's authority to decide when an emergency has arisen and to take action was tested and confirmed by the Supreme Court in *Martin v. Mott*—12 Wheat. 19 (1827).

President Monroe concluded an executive agreement on the limitation of naval armaments with Great Britain. The agreement was submitted to the Senate for approval.

In 1844, during negotiations for annexation of Texas, President Tyler ordered land and naval forces to the area to protect Texas against a Mexican invasion. In his first annual message to Congress, President Polk announced that he had sent military and naval forces to the coasts of Mexico and western frontier of Texas to prevent any trouble resulting from the annexation of Texas.

On May 11, 1846, President Polk asked the Congress to recognize the existence of war with Mexico. Congress complied but not until it had debated whether a war did exist and whether it was a defensive war.

President James Buchanan viewed Presidential authority in a somewhat limited way. In refusing to join Britain and France in the war against China, President Buchanan stated:

It was impossible for me to proceed further than this (maintenance of a neutral position while seeking a settlement by peaceful measures) on my own authority, without usurping the warmaking power, which, under the Constitution, belongs exclusively to Congress.

When the Civil War broke, President Lincoln issued a proclamation for 75,000 troops and called a special session of Congress. In his message to Congress on July 4, 1861, he stated—

The Executive found the duty of employing the war power in defense of the Government forced upon him.

The blockade of the Confederacy was effected by proclamations made by President Lincoln. His authority to institute a blockade was tested and upheld by the Supreme Court, 5 to 4, in a Prize Cases—2 Black 635 (1863).

On May 3, 1861, President Lincoln by proclamation ordered the Army increased by 22,000 and the Navy by 18,000. The action was legalized subsequently by the Congress on August 6, 1861, which "approved and in all respects made valid" the President's prior actions.

In May 1862, President Lincoln assumed actual military and naval command of successful operations against Norfolk.

September 22, 1862, President Lincoln issued a preliminary proclamation of emancipation.

December 8, 1863, President Lincoln issued a proclamation of amnesty and reconstruction.

President Andrew Johnson proclaimed end of insurrection except in Texas on April 2, 1866.

During Reconstruction in March 1867, the State of Mississippi tried to restrain President Johnson from carrying into effect the Reconstruction Acts on the grounds they were unconstitutional. The Court held that as Commander in Chief the President was performing purely Executive and political duties in enforcing the law, whether constitutionally valid or not.

During the same month, the Congress passed the Army Appropriation Act to the effect that the General of the Army should not be removed without the consent of the Senate which deprived President Johnson of his full constitutional authority as Commander in Chief.

President Hayes intervened in the railroad strikes of 1877 by calling out troops and furnishing arms to preserve order even though the statutes under which he acted required express application of the legislature or Governor which was satisfied only very informally.

President Arthur by an exchange of notes arranged an agreement with Mexico regarding the pursuit of hostile Indians. The action was done without seeking congressional approval.

President McKinley without statutory authority declared a blockade of Cuba by proclamation. Three days later Congress declared war on Spain and authorized the President to take necessary action.

In 1900, President McKinley sent an expedition to China during the Boxer Rebellion.

On September 7, 1901, a protocol was concluded ending the Boxer uprising. It was signed for the United States by a special commissioner to China whose appointment by President McKinley had not been submitted to the Senate.

President Theodore Roosevelt ordered the U.S. Navy to prevent Colombian troops from being landed in Panama in order to suppress the insurrection at the time the U.S. Government was negotiating for rights to build the canal.

President Roosevelt dismissed three companies of soldiers in Brownsville, Tex., "in pursuance of what, after full consideration I found to be my constitutional duty as Commander in Chief of the U.S. Army." This touched off heated debate in the Senate as to the President's authority and whether it contravened the Articles of War enacted by Congress.

President Roosevelt sent the U.S. fleet around the world even though the Congress had appropriated insufficient funds. The Congress was forced to make supplemental appropriations so the fleet could complete the trip.

President Woodrow Wilson ordered sailors and marines to capture Vera Cruz because of an insult to the U.S. flag. They occupied the city for 7 months. This action was taken without congressional authorization.

President Wilson requested congressional authority to arm merchant ships.

This was defeated by filibuster but Wilson subsequently ordered an armed guard for merchant vessels.

President Franklin D. Roosevelt proclaimed a limited national emergency on September 8, 1939.

In June 1940, the Congress granted President Roosevelt the power to grant arms aid to American Republics.

September 3, 1940, lend-lease agreement—President Roosevelt entered in agreement with Great Britain for 50 overage destroyers. The action was defended as "resting on the President's power as Commander in Chief to dispose the Armed Forces of the United States."

The Lend-Lease Act of March 11, 1941, empowered the President to turn over war materials to the Allies if he deemed such action to be in the national defense interest.

President Roosevelt proclaimed the Red Sea to be no longer a combat area and permitted American ships to carry supplies to the British forces in that area.

President Roosevelt directed the U.S. Navy to patrol shipping lanes in the Atlantic and report movement of German vessels in American defensive waters.

May 27, 1941, President Roosevelt proclaimed "unlimited national emergency" ordering American vessels to sink on sight foreign submarines found in American "defensive waters."

On July 7, 1941, in a message to Congress, President Roosevelt announced U.S. forces would occupy Iceland to relieve the British forces.

July 7, 1941, President Roosevelt announced he had ordered the U.S. Navy to perform convoy duty for supplies sent to Britain under lend-lease.

August 14, 1941, President Roosevelt entered into the Atlantic Charter agreement.

September 11, 1941, President Roosevelt in a radio address announced order to U.S. Navy and Army to strike first at any German or Italian vessel in American "defensive water."

June 27, 1950, President Truman ordered the U.S. air and sea forces to give the Korean Government troops cover and support. He also ordered the Seventh Fleet to guard Formosa.

On June 30, President Truman announced he had authorized the use of troops in Korea.

"The Great Debate," January–April 1951, the Senate bitterly debated President's right to send troops to Europe. The Congress finally endorsed his program on April 4. Two resolutions, neither with the force of law were passed by the Senate. The President maintained repeatedly that he had the power as Commander in Chief to send troops to Europe but that his administration always consulted the Congress before making foreign policy decisions.

The use by any President of his powers as Commander in Chief is determined largely by his own predilection for any of the several theories on how the interests of the United States might best be protected.

Congress seldom has objected to the action of the President, as Commander in Chief in sending abroad and maintaining

the Armed Forces without its prior concurrence.

Henry Steele Commager said in "Presidential Power: The Issue Analyzed":

It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I think the argument today is getting somewhat out of reason. It seems to me that the action in Cambodia was taken, not to create a constitutional crisis, not to challenge the prerogatives of the House, not even to play domestic politics, but merely to protect American lives.

I have heard a great deal of criticism here today from those who have opposed the war in the past, saying that the policies of the past administration were wrong. I agree. But were they rising up on the floor of the House and defending the prerogatives of the House when it became known that we had lost American lives because our men were fired at from sanctuaries in Cambodia and the permission to fire back was refused? Were they standing up for American youth at that time? Where were those who criticized this war when we found out that, under the previous regime in Cambodia, a major amount of war material coming into South Vietnam was not coming down the Ho Chi Minh Trail but coming through the seaport of Cambodia called Sihanoukville? Where were they then?

I resent the fact that this argument is becoming a political argument, because I think there is something beyond politics involved in the question that we have today. There are 450,000 young Americans over there. You can debate the Constitution all you want to, and we can agree or disagree on its words. I do know one constitutional responsibility the President of these United States has—he has the fundamental responsibility to take such action as necessary to protect the lives of the American young people in the Armed Forces of this country who are acting in the defense of this Nation. I, for one, am glad that the thousands of young people from my State have a President with the courage to do just that. And I for one am grateful they have a President who has the courage to begin to bring them home, instead of continuing a policy of escalation by inches.

You may talk about your statistics all you want to. As far as I am concerned, the life of one young American man in the rice paddies of South Vietnam is more important to me by far than the possibility of opposition to any political candidate or even the "prerogatives of the House."

I think the essence of the situation lies in the fact that whether or not any of us agree with our presence in Vietnam from the outset, we have no right to take any action that would jeopardize those men. Yet, that action was taken in the previous administration when our men were denied the fundamental and basic right of

self defense by the granting of sanctuaries to the enemy. Do not talk about the action in Cambodia as being an invasion, an escalation, an expansion, or anything of this sort. The President's decision simply gave the right of self-defense to men who have been asked to place their lives in jeopardy to defend this nation. Let us keep it in that perspective. We need a deescalation of rhetoric and a renewed commitment to the speediest possible phasing out of American troops, so this tragic conflict can be brought to an early conclusion.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Leggett amendment and also in favor of the Reid of New York amendment, because, Mr. Chairman, each day's news brings us fresh evidence of a deeper American involvement in Southeast Asia.

First, American advisers accompanied South Vietnamese troops when they invaded the Parrot's Beak area of Cambodia. Shortly thereafter, the President took to national television, and caught the entire Nation by surprise when he told us that American ground forces were going into Cambodia to find the main Communist command headquarters and make a single decisive sweep of the area, an action, he claimed, would allow his Vietnamization plans to proceed minus the harassment from Cambodian-based Communist troops.

Then in rapid fire order, the United States dropped bombs in North Vietnam again and a third American force invades Cambodia in the northern end of the country, 250 miles away from the Vietnamese capital of Saigon. Now we have a fourth and a fifth American incursion.

I cannot believe that the President is so naive, or so blind to the fate of his predecessor, that he could be convinced by his generals that a temporary and limited effort, which is what he calls our newest adventures, can really turn the tide of war in Southeast Asia.

The President, and his Vice President, and his Secretary of State, and his Secretary of Defense, have offered several conflicting reasons for our forays into Cambodia. Among them are: We have invaded Cambodia, first, to avoid a military defeat in South Vietnam; second, to save Cambodia from Communist takeover; third, to ease the pressure on our Vietnamization program; fourth, to find and disrupt the Communist supply lines in Cambodia; and fifth, to find and destroy the Vietcong command headquarters in Cambodia that controls the fighting in South Vietnam.

Whatever his true reasons; I will not believe that the Indochina situation has deteriorated so much that less than 2 weeks ago, the President announced plans for a massive troop withdrawal; now he has to recommit these same troops in an entirely new theater of action.

I predicted last week that the Nixon action would bring new and frightening consequences here at home. The tragedy at Kent State University speaks for itself. And it is not only the students

who are confused and angry at the President's actions.

In Monday's New York Times, the usually unflappable James Reston said:

Powerful men in Congress and even in President Nixon's own official family feel that the Cambodian decision was reached with undue haste and carried out by deception.

Mr. Reston went on to say:

To defend his position, Mr. Nixon appears to be falling back on the old anti-Communist, anti-intellectual, antiuniversity, anti-newspaper and antitelevision line to prove his point, and this is dividing the capitol of the United States as it has not been divided since the days of the late Senator Joseph R. McCarthy.

The issue over the constitutionality of the Vietnam war and now the Cambodian war has long festered.

I contend that it is the role of the Congress, not the President, to authorize action such as that taken by U.S. troops in Cambodia in the past few days. More important than the Commander in Chief of the United States is the Constitution of the United States to which the Commander in Chief, the Congress, and the judiciary are all subject.

The so-called war powers of the Constitution are clauses 11, 12, 13, and 14 of section 8 of article I.

These clauses provide that Congress, and not the Executive, has the power:

To declare War . . .

To raise and support Armies . . .

To provide and equip a Navy.

To make Rules for the Government and Regulation of the land and Naval Forces.

During his campaign for the Presidency, Mr. Nixon said that he had a "plan to end the war." The invasion of Cambodia proves that he did not then, and does not now, have such a "plan."

As Tom Wicker in the Sunday New York Times said:

The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table.

Mr. Chairman, the time has come for the Congress to reassert its constitutional rights and duties. Mr. Chairman, that is why I hope the House will sustain the amendment of the gentleman from New York (Mr. REID) or of the gentleman from California (Mr. LEGGETT) and make it clear to the President that Congress will not support his plan to put the United States deeper and ever deeper into the Southeast Asian morass.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is true that when the President ran he said he had a plan for ending the war in Vietnam. He has put that plan in operation.

For 8 solid years we saw a continued escalation in American troop presence in Vietnam—a continued escalation.

What was the plan? The plan was the third alternative that we have in Vietnam.

Let me give briefly the alternatives.

One is an all-out military victory. I happen to be one who believes we could achieve an all-out military victory if we chose to do so. It would mean such barbaric acts as we performed in World War II, when we burned entire villages in Japan and when in Germany we flattened entire cities and killed hundreds of thousands of innocent civilians. But that is the way wars are won militarily. Militarily wars are won by making the war so costly to the enemy that either he cannot or is unwilling to continue.

Yes, we could pursue that course in Vietnam. The President ruled that course out.

Then another course we could pursue in Vietnam is that which the Communists and many of their sympathizers here in the United States would like, which is an immediate American withdrawal, unilaterally, without any forewarning or plans that would allow the South Vietnamese to consolidate their position. This truly would enable the Communists, in effect, to massacre all their political enemies in South Vietnam and to take over South Vietnam with little or no resistance.

Bear in mind that during the Johnson administration the villages in South Vietnam were not armed. We did not give weapons to the villagers because we did not know who were Vietcong and who were loyal South Vietnamese. We knew the loyal South Vietnamese were in the majority, but we were afraid that some of the weapons would fall into Vietcong hands.

By providing weapons to the local military and providing weapons and support and training to the ARVN troops, we now see Vietnamization working—Vietnamization the third alternative in Vietnam President Nixon's plan to end the war with honor. It is precisely because Vietnamization is working that the people in Cambodia threw out Prince Sihanouk and told the Communists to get out of their country. They were seeing the success that was taking place in South Vietnam which gave them the courage to act.

But along the border areas are the sanctuaries, the nerve centers and supply centers from which all the Vietcong efforts in South Vietnam originate. Those are the areas American troops are striking at.

Let me make one point very clear. This is not an effort of the United States to come to the aid of Cambodia so far as support against Communist troops in the inland portion is concerned. The President has made this very clear. It is simply an effort to obliterate or to eradicate the areas from which the Communists are able to launch attacks against our troops in South Vietnam as they are becoming weaker because we are withdrawing them.

This is precisely the same type of tactic the Israelis used in regard to some of the Arab areas. We should not overlook this comparison.

For a long time we heard of the Golan Heights area where the Arabs were able to launch shells into Israel. The Israelis found it necessary to go in and seize

that territory to protect their own inner territory. The same is true of the Sinai, which gave them a buffer zone against the hostile Egyptians, who said they were going to drive the Israelis into the sea.

I say this to the Members: Cambodia is only 33 miles away from Saigon. What is 33 miles? That is about the same distance as it is from here to Friendship Airport, or a little bit beyond Dulles Airport. When Cambodia is only 33 miles away from Saigon, as a sanctuary where they are able to cache their supplies and where they are able to have command centers, then it is a dangerous and disastrous situation for American troops in South Vietnam.

Militarily, if we are going to assure the South Vietnamese that they will have the time to protect themselves, this was a necessary military step.

One further thing, Mr. Chairman, and it is simply this: By destroying these areas it will take the Communists 6 to 9 months to recoup. During this time the South Vietnamese will have time to further Vietnamization in their area.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is quite natural in these supercharged times that there be a tremendous lot of rhetoric, some of a very high content and quality and some rather dubious. There is no one here who does not want to support the Commander in Chief, and I am one of those who do want to support him. I would also like the support of the Commander in Chief for the Congress from time to time. I think that is not an inappropriate suggestion. Nor would consultation with the Congress be inappropriate either.

I might suggest it would be well for us, all of us, to stop calling this "Johnson's war" or "Nixon's war," because it is in fact the war of the American people, including those who are over there fighting it. Many of those fighting were drafted involuntarily and are wondering while they are over there why we continue a system of selective service in which many of the privileged are exempt. This is the people's war. President Nixon alone cannot stop it.

Nor can he continue to escalate it without the consent of this body and the other body, which, under the often-cited constitutional powers, has the right to raise and support armies. We must exercise our powers and responsibilities.

I am certain that President Nixon wants to stop this war, and I want to help him stop it. I want to help him stop it by voting for the Leggett amendment, the Reid amendment, and in the other body for the amendment sponsored by the Senator from South Dakota, Mr. McGOVERN, and others which would in fact end it. I cannot support the Findley amendment, for it gives the President cart blanche. I do not believe that the other body will support Findley either.

We seem to forget in the course of all of the terrible turmoil throughout the United States things have gotten out of focus. The ultimate fact is—and I think the students and other dissenters realize it—they are not 100,000 bums, but they

are citizens of the United States—that the representatives of the people are the ones who have the ultimate responsibility. We must exercise that responsibility.

Mr. Chairman, I believe in this Government. I believe it should be responsive, and if its response is going to be a continuation of what I consider to be this misadventure, I do not intend to opt out of this system, but instead I intend to stay and fight for what I think is right. And I respect anyone else who has an opposite view. However, I do not intend to sit here and abdicate what I consider to be my responsibility to a person who is simply called the Commander in Chief with all of the powers. He, too, is responsible to the people, as we are. He, too, has to respond to the will of the American people. For the moment his mail might be running exactly the opposite of mine, but I consider myself to be a representative and not a delegate. So I am not going to weigh the mail on this issue. I am going to weigh my conscience.

And, I am going to go to the people in November and they will either reelect me or choose someone with whom they agree. My reelection is no more relevant to this issue than is a second term of a Commander in Chief who has not yet finished his first term and in the judgment of some, perhaps, ought to resign.

Mr. Chairman, a second term is like playing Monopoly. It is phony money. The politics of the situation are totally irrelevant. The responsiveness to the people, the obligation of our conscience, is what counts in this matter.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate this afternoon with a great deal of interest. As a member of the Foreign Affairs Committee I welcome such real interest on the part of many Members in matters of this kind.

I am convinced as a result of the discussion, however, that it is impossible to define, in specific language on the floor, in this bill, or to describe adequately, the role of Congress in the field of foreign relations.

Mr. Chairman, in my opinion, it would be virtually impossible to translate under present circumstances the way Members feel generally about foreign policy. As I say, in particular, it would be difficult to put their feeling into proper language.

Certainly, Mr. Chairman, none of the amendments that have been offered begins to approach the problem adequately, in my opinion. In other words, the amendments that have been offered should, in my opinion, not be approved. None of them actually gets at the root of the problem, which is our concern about the nature of the conflict that is still going on in Vietnam. We are concerned also that its character may be changed without consultation or advice by Congress, indeed, or even without much knowledge about the nature of our mission in Cambodia.

In my opinion, therefore, the best course would be to reject all amendments.

A week ago a good case could have

been made for the so-called Findley amendment. This would give leeway to the President with respect to the operations of combat forces, American combat forces, in Cambodia, but only if he felt there was a need to protect the lives of American servicemen. But to advocate that discretion should be given to the President, when he already has exercised his authority and the men are there, is accomplishing nothing, except possibly one might argue that by approving the Findley amendment now, we are giving flat endorsement as to what has occurred.

Mr. Chairman, as member of the House Foreign Affairs Committee I attended one of the briefings at the White House yesterday. I was grateful for it. But I, for one, still have serious misgivings about the wisdom of what we are doing in Cambodia. I would be reluctant either to vote for or against the Findley amendment under those circumstances.

What we should be doing—and let me be brief—if we feel we must insert language in this particular bill—and let me say parenthetically that I think the best course is to proceed as the gentleman from Illinois (Mr. ANDERSON) has suggested with a concurrent resolution—but if we must develop language that should be incorporated in this bill, it seems to me it should be language which would intend to take a form that would express our general view about the nature of the conflict most of us, I feel sure, would like that conflict in Southeast Asia ended as soon as possible.

With a few others I drafted, of necessity very roughly, some language that might be considered if the Leggett amendment should be defeated. Until that time, of course, the parliamentary situation prevents any further amendments.

Let me read the language:

None of the funds authorized to be appropriated by the Act shall be used in a manner inconsistent with the following purposes:

American troop withdrawals from Viet Nam shall continue expeditiously, in line with the expressed intent of the President, and every effort shall be made to achieve an early end to the conflict in Viet Nam negotiations.

Consistent with the national interest, the President shall avoid enlarging the present conflict into the neighboring states of Cambodia, Laos and Thailand.

That language or something like it seems to me to represent what a great many Members feel about the present predicament that we face. It does not describe in any great detail what the role of the Congress is. It would, however, define how we feel about the conflict, and the way we would like to see that conflict ended.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at some time limitation on this amendment and all amendments thereto?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I wonder

if we could not agree to close debate at 4:45?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:45.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT) and in opposition to the substitute offered by the gentleman from Illinois (Mr. FINDLEY).

I think that if we were to adopt the substitute we could very well rue the day because I envision a time when it would become known as the Gulf of Thailand resolution. It contains the same germ, the same authority which is in the Gulf of Tonkin resolution.

Mr. Chairman, I do not take this podium lightly. I have never in my service in this Congress stood on this spot and spoken against our foreign policy as enunciated by the President, neither President Johnson nor President Nixon. In fact, in every instance I supported them, and I would like to continue to do so. But I have to speak out today because I think that this escalation and this wandering into this morass in Cambodia can do nothing—nothing but harm us.

I do not impugn the motives of the President, but I do seriously question his judgment in bringing us to this point. I think that our adventure in Thailand is going to result in nothing more than a spreading and a dispersion of the Vietcong and the North Vietnamese throughout the whole of Cambodia. They will consolidate, later control, and bring Sihanouk back from Red China. He is there today. And I am sure he is very happy at what is going on. They will then install him and have de facto control, not only over North Vietnam, and parts of South Vietnam, but also over Cambodia. I think that this is a most serious misadventure. By following it we are destined to get further into the quagmire which is now all of French Indochina.

So I think by the adoption of the Findley amendment, we would give ex post facto approval to what the President has done. I do not think we ought to give that. It will result in further escalation to other countries. There is just no stopping.

Mr. Chairman, I have long been silent. I did not want to speak out against this because I did not want to tie the hands of the President. But after this latest mistake, I think it is time for us in the House and the Members of the other body to assert some restraint on the President.

Mr. RAILSBACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I requested recognition to ask the gentleman from Illinois, my colleague, some questions. I see that he is off the floor.

I yield to the gentleman from Connecticut (Mr. WEICKER) who wants recognition.

Mr. WEICKER. Mr. Chairman, as one who has consistently called for disengagement of our forces in South Vietnam long before this became administration policy, I have a few questions I think have gone unanswered in the debate.

In the period from 1960 to 1968 how many times did the Government of the United States withdraw troops from Vietnam?

In the period from 1960 to 1968 how many times was the defense budget pared?

In the period from 1960 to 1968 how many times were draft calls reduced?

In the period from 1960 to 1968 how many times was the military procurement authorization bill used to give direction to the Executive?

I think, and I suggest to my colleagues here today, that the suspicions of President Nixon that exist both on this floor and in our Nation are so because the Nation still remembers the track record of escalation and deception practiced by the previous administration rather than being based on the actions of the present administration.

The fact remains that the policy of this administration is a policy of withdrawal.

The fact remains that the policy of this administration is one of changing our priorities and reducing our dependence on the military.

The fact remains that we are in disarmament talks and the fact is we have had draft reform.

The policies have changed. What is left now are the numbers and the tactics.

I have heard comments made out on the floor this afternoon that President Nixon's policy of Vietnamization is no good and I suggest to you, it is far better than President Johnson's policy of Americanization.

No, I thank God there that we are at a point now where we are debating the numbers and the tactics because it shows that someone had the courage to change U.S. policies that 8 years of silence created.

Yes, I have reservations about risky steps taken for peace. But the fact remains they have been taken when withdrawals occurred. They were taken when the defense budget was pared.

Now another step for peace takes place. It is not quite in the same mold as we would like to see, that those who were silent can comprehend it. But is a risk for peace not for war.

As long as this administration continues its policy of withdrawal and disengagement and reorientation of priorities, it will have my support and it should have the support of every Member of this House.

Changes have taken place in policy. Nit-pick if you will at the tactics and figures. But, I am proud to have as a President a man who has the courage of change in his blood. Change from war to peace. Change from negative to positive. Change from public relations to accomplishment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

Mr. RAILSBACK. Mr. Chairman, I

ask unanimous consent to proceed for 3 additional minutes.

Mr. HALL. Mr. Chairman, I object.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Reid amendment and the Leggett amendment to the Reid amendment, and in opposition to the Findley amendment, which would, in effect, give approval to President Nixon's recent action in ordering U.S. troops into Cambodia.

I do not believe that in this very tense and turbulent moment in the history of this country there is a great deal to be served by a succession of Members following each other into this well trying to label our problems in Southeast Asia as "Johnson's Vietnam war" or "Nixon's Indochinese war." There will be plenty of time for that between now and the November elections.

But there are a couple of things that have been said here this afternoon that seem to me indicate a basis for the kind of frustration that we see finding expression across this country with the young people. I would remind you that the young people, to whom some are referring as "bums and bomb throwers," are the age group that is being asked to answer for what we do here, not merely with support through their taxes, but rather with their lives, their bodies, and with their future.

I have heard many people say here today that nothing is more important to them than the safety of the young people who are called upon to fight the war for us. I do not think there is anybody in either part, on either side of the aisle in this Congress, who would disagree with that.

But it seems to me to be some kind of fantastically complicated exercise in "double think" to be able to rationalize committing even more human bodies to the blood bath of Southeast Asia under the guise of protecting American lives. We have heard that same kind of rationale for years, ever since we got into this mess in the first place. With all due respect to the gentleman from my side of the aisle, the ranking member of the Armed Services Committee, who made the impassioned plea here today for us to support whatever the President does because, after all, he is the Commander in Chief, I say to him that is precisely what the young people of this country are asking us not to do. They are asking us to examine and question what the Commander in Chief and his military leaders are recommending to us.

I would remind him that when I took my oath as a member of the U.S. Navy in 1944 I agreed, as I should have, to follow every order that came from the Commander in Chief. Again, in 1950, when I took the oath in the U.S. Air Force, I agreed to follow the orders of the Commander in Chief. But when I came to this Congress, I took another oath. Taking that oath I said that I would support the Constitution of the United States and perform the constitutional duties imposed upon me as an elected Representative of the people who sent me here. As I read the Constitution,

in exercising my duties, nowhere does it say that I must follow or take orders from the President or anybody else in the executive branch. The Commander in Chief is not in charge of me and is not capable of giving me orders. He is in the executive branch of the Government, and during the time I wore a military uniform, so was I and under the direction of his predecessor as Commander in Chief.

But now, gentlemen, we are in the legislative branch of the Government. We cannot duck our responsibility by trying to say that we are being patriotic; that we are following the orders of our Commander in Chief; and even gloss it over, if you will, by saying we have done so under two administrations. "We followed the Democrat, and now we are following a Republican," some say, thereby violating their constitutional oath on a bipartisan basis.

I would like to direct one comment to my friend from Michigan, the distinguished minority leader who I see now on the floor. Michigan has representation in the Republican leadership of both Houses of Congress; first, a man who is now our colleague, the distinguished Congressman GERALD R. FORD from Grand Rapids, who is minority leader in the House, and, our former colleague, the junior Senator from Michigan, who is the minority whip in the Senate.

The minority leader said today that we can rely on the figures that he is now giving us as evidence of the fact that the action taken by the President has been a success and we will, in fact, be out of Cambodia in a short time. I know the minority leader and I know the distinguished junior Senator from Michigan on the other side and know them both to be honorable men.

However, on the Sunday before the President told us and the American public that he had ordered thousands of American troops to invade Cambodia, the Senator speaking as a leader of the Republican Party assured the country that President Nixon had no intention of ordering ground forces into Cambodia.

I know of no instance in the years I have known both of them when they have used either falsehood or misleading statements. But about 4 o'clock in the afternoon last Thursday, just 4 hours before the Nixon TV show, the minority leader, Mr. GERALD R. FORD of Michigan, assured us on this floor that the President of the United States had no intention of putting American combat forces into Cambodia. If both Mr. GERALD R. FORD of Michigan, who is the House minority leader, and the Senate minority whip were both that badly misled by the President as to what was going on in Cambodia, in their positions of power how can I as representative of my people believe what the President was or is now telling us?

Mr. Chairman, the shoulders of the American people are weary from the burden of Vietnam. Their backs are bent from the weight of the longest war in our Nation's history. Their hearts ache from the loss of over 40,000 of our country's

finest young men. And their souls are tormented by the unprecedented divisiveness and turmoil within our country—a direct product of that involvement.

Look anywhere in America today and you will see problems which have reached crisis proportions because attention and funds have been devoted to the war in Vietnam. Our urban areas cry out for lack of adequate housing, and for lack of funds to effectively deal with the rising crime problem. Our schools and universities suffer from lack of facilities and equipment. Lifesaving medical research programs are ended for lack of funds. And we are forced to live with our own filth as pollution increasingly menaces the health of our Nation.

Never before in our history has this Nation witnessed such unrest and violence among its young. But never before has the perseverance and faith of the people been stretched to such a breaking point.

We have been asked to make one sacrifice after another, in spite of serious questions regarding the Saigon regime we are defending. And now we are asked to sit back silently and watch the spread of bloodshed into Laos and Cambodia as we become the violators of the neutrality of these nations.

President Nixon was elected largely on the promise of ending the war in Vietnam. Instead, he has widened the conflict across the borders of neighboring neutral countries. Our expressed purpose in Vietnam has been to protect that country from invasions across its borders. Now, we have become guilty of this same practice with our intrusion across the borders of Cambodia and Laos.

With every American death, our presence in Vietnam becomes increasingly difficult to justify. Our presence in Cambodia and Laos contains neither justification nor logic. The President rationalized his action in Cambodia on the grounds of protecting the American troops in Vietnam. A far better protection would be to end this madness and bring the troops home. From within and without, our involvement in Vietnam is destroying us as a nation.

The people of the United States have repeatedly expressed their desire to terminate our role in the Southeast Asian conflict. How can we so flagrantly ignore the will of the people and still expect them to have faith in our democratic process?

President Nixon's expansion of the war in Southeast Asia has confronted Congress with a challenge of serious proportions.

When Mr. Nixon took his oath of office as President, he made a solemn vow to uphold the Constitution of the United States. In ordering American troops into Cambodia, a sovereign, neutral state, he is, in effect, waging war against another nation. He has done this in flagrant violation of the constitutional provision that only the Congress can declare war.

When we accepted our oaths of office, we also swore to uphold the Constitution. I contend, Mr. Speaker, that we are not fulfilling our oaths and obligation if we permit the executive branch of our Gov-

ernment to usurp a constitutional right which is vested in the legislative branch.

Our entire ill-fated venture into Southeast Asia has rested on extremely flimsy constitutional grounds. President Johnson used the SEATO treaty and the Tonkin Gulf resolution as legal authority for intervention in Vietnam. In theory, at least, we sent arms, advisers and finally troops into Vietnam at the express invitation of the South Vietnamese Government. We have no such invitation from the Government of Cambodia, although I realize that the Cambodian Government has given its tacit assent to our "invasion."

President Nixon went on national television to tell the American people that this expansion was necessary to protect our troops already in Vietnam, and to enable him to carry out his Vietnamization of the war. We were told that our invasion of Cambodia would smash the entire Communist headquarters for the war in Vietnam. At the end of the second day of the invasion, the U.S. command in Saigon reported that 634 "enemy troops" had been killed, and seven weapons captured. If we were killing enemy troops, where were their guns? If we were killing unarmed civilians, how did we rationalize that they posed a threat to our troops in Vietnam? Now we hear that our troops have killed several thousand of the enemy. But a picture and story in today's Washington Star tells of dead women and children, and of American troops looting a town from which the civilians had been driven. How do we rationalize this?

During the 1968 presidential election campaign, Mr. Nixon hinted at a "secret plan" to end the war in Vietnam and withdraw our troops. Was his plan to withdraw them from Vietnam only to send them into Cambodia? Will he next want to invade Laos and Thailand to protect the troops we have now sent into Cambodia? Are we on the verge of a full-fledged war in Indochina—a war on the Asian mainland which military experts for years have warned against?

There are many questions to be asked, Mr. Chairman, and I think it is time that Congress exercised its constitutional rights to ask them—and to demand answers.

The tragedy that occurred this week on the Kent State University campus is only another indication of how the war in Southeast Asia is tearing our society apart. My mail since the Cambodian invasion has been overwhelmingly critical of this Nation's role.

This Nation faces a host of domestic problems in a volume that is unprecedented in American history—polluted water and air, soaring crime rates, inadequate housing, widespread poverty, racial unrest, unbearable taxes, mounting inflation, lowered standards of health and education, congested highways—the list is virtually endless.

With these problems waiting to be solved, are we to sink even deeper into the quagmire of a war that has already cost us 41,000 dead, 275,000 wounded, and more than \$100 billion, not to mention the lives that have been disrupted, the education and training that has been

lost, and immense gap that has been created between the American Government and its people?

Mr. Chairman, on the grounds of constitutionality, on the grounds of humanitarianism, and on the grounds of plain commonsense, this Congress must act to halt the executive branch in its mad plunge toward complete disaster.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to state very emphatically myself—and this is partly in response to what the gentleman from Michigan (Mr. WILLIAM FORD) from the Democratic side of the aisle, said—I never have supported the deployment of American ground combat troops in Vietnam or in that area at all, and I fully support the President's decision to withdraw all American combat troops from Vietnam.

The reason why I am supporting the President in his present action—and I was surprised, just as our minority leader was surprised—and as I suppose every Member of the House was surprised—when American combat troops were used in this operation—is because I am convinced the President is determined to withdraw all our ground forces, and in order to protect and to expedite that withdrawal, this action has become necessary. I believe the President—and I support him. For that reason I am supporting the Findley substitute amendment.

I think it is entirely appropriate and long past due that the Congress should consider its constitutional role in this whole area. We have had a war in Korea, and we have landed 12,000 troops in Lebanon by Presidential action without support by the Congress. The entire Vietnam operation has been carried on without the support of or any declaration of war or other congressional action except in the Gulf of Tonkin resolution.

It is entirely appropriate that we should consider what our proper role is. But the constitutional issue is one which requires extended debate. It should be debated in an atmosphere of calm, and not at a time when we are in a critical situation such as we are now.

I would like to point out that the Presidential authority under the Constitution appears to authorize emergency actions, which is the role the President is undertaking to perform at this time. The present emergency involves the withdrawal of our troops and the protection of American lives. It is in that kind of emergency when we expect the President to act.

The framers of the Constitution considered using the words "to make war," in the grant of congressional authority. However, it was considered that these would be the wrong words to use, because that would indicate that the Congress would handle the conduct of the war. We do not handle the conduct of the war, this is handled by the Commander in Chief, and frequently the action he takes precedes the action by the Congress in declaring war.

So it seems to me our appropriate role should be studied and debated, and care-

fully identified and that the limited role of the President of the United States also should be spelled out. At the present time we have a situation where the conduct of the war in Vietnam is being handled by the President and the present conduct of the war involves the withdrawal of American troops. I am confident that what the President is doing is supported by the American people and by those who are the leaders of the nations involved. The Nixon doctrine of disengagement and of giving more responsibility to those who are involved is supported by the American people. I should think that should be encouraging to us. I do not see that this is any time for us to let the President down or to try to create a constitutional confrontation.

The only ones who can gain support and comfort from any action against the President's action at this time would be the enemy, and I do not propose to support any action here which would give comfort or support to Hanoi, Moscow, or Peiping, or which would in any way let down our own men or defeat our goal of withdrawing completely our ground combat forces from this area and disengaging our forces from operations such as this in the future.

Mr. Chairman, in my opinion the Findley amendment recognizes our congressional prerogatives without frustrating the courageous and noble efforts of the President to restore peace at the earliest possible date.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four students died this week because we continue to believe that we can solve our problems with guns and bullets.

I do not support President Nixon's Vietnamization policy because it is obviously based upon a military plan still wedded to the belief that we can solve Vietnam's problems with guns and tanks and bombs.

Serious efforts at negotiations have been abandoned. Ambassador Lodge has not even been replaced since his resignation last fall.

We resumed the bombing last week without any announcement as to the reasons for this so-called retaliatory action. President Nixon on April 30 neglected to mention this important escalation which had at that time already been ordered to take place the following day.

It is almost forgotten that the talks began in Paris because we stopped the bombing of North Vietnam 18 months ago.

The bombing of North Vietnam together with the invasion of Cambodia can be no less than an escalation of the war designed to pursue more vigorously the military plan for total victory. There cannot be any other explanation or justification for this coordinated stepup of military activity.

The five sanctuaries which purportedly constituted the emergency which threatened our men in Vietnam have proven so far to be only rice-filled small weapon storage bunkers which would have remained no less through the monsoons while Congress could have exercised its

constitutional duty to determine whether an invasion of Cambodia was consistent with our national interest.

The issue we must face today is whether we believe in the Constitution of the United States. Can we surrender our responsibility to exercise our judgment in these matters which affect the lives of our men overseas?

We can no longer rely upon the Tonkin Bay resolution to justify our failure to assume our constitutional duty.

We are faced with a new military adventure across the borders into another country. We must decide today whether we sanction this escalation. There can be no shirking of this responsibility. The Constitution states that the Congress alone has the power to declare war. We have the opportunity today to reinstitute this rightful responsibility in the House of Representatives.

Do we seek to wage more war or do we insist upon a negotiated settlement of this conflict?

I urge this House to support the Leggett amendment which firmly establishes the right of Congress to determine the issue of whether this war is to be extended into Laos, Thailand, or Cambodia.

Until April 30 it was the hope of all Americans that the announced withdrawal of American troops from Vietnam meant that the end was in sight. The only debate was on whether it was being done soon enough and for the right reasons.

On April 20 we were told that 150,000 more men would be withdrawn by May of 1971.

But 10 days later this announcement was shattered when the President told the Nation that in order for this withdrawal to be effectuated, it was necessary to invade Cambodia.

The President told us on April 30 that:

The American policy has been to scrupulously respect the neutrality of the Cambodian people—and that for the past 5 years we have provided no military assistance whatever and no economic assistance to Cambodia.

He went on to further state that—

for the past 5 years North Vietnam has occupied military sanctuaries along the Cambodian frontier.

He told us—

that for 5 years neither the United States nor South Vietnam has moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation.

It is my firm view that what has been the policy of our Nation for the past 5 years regarding Cambodia was a sound policy and that any change in such a long-standing policy should be the responsibility of the Congress of the United States.

Therefore, I urge the adoption of the Leggett amendment.

Mr. WHALEN. Mr. Chairman, I rise in support of the Leggett amendment and move to strike the requisite number of words.

Mr. WEICKER. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Connecticut.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I want to thank the gentleman for yielding.

I would like to direct some questions at my good friend and colleague from Illinois (Mr. FINDLEY). I want to say at the beginning that I am one of the Members who has consistently supported President Nixon's Vietnamization program as well as his phased-withdrawal program. Up until now I have never hesitated to come out strongly, even during those rough days of the moratorium.

I do have some questions about the Findley substitute amendment, though. I am wondering whether, if this amendment had been enacted into law at the time that the President ordered combined operations involving U.S. troops in Cambodia, the President would have complied with the provisions of your substitute amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman.

Mr. FINDLEY. I am very glad to comment on that.

In my opinion, this would have had no effect upon the military action that the President took. I feel that his responsibilities as Commander in Chief are such that the Congress can neither add to them nor take them away. The effect of my amendment is not to add to the powers of the President as Commander in Chief but, rather, to clarify the role of the Congress subsequent to any such action.

A good many Members are under the impression that the Leggett amendment, if it is adopted, would have some effect upon the reserve powers of the President as Commander in Chief. I do not believe it for a moment. We could pass Leggett amendments all night, and it is my conviction that President Nixon as Commander in Chief would retain every bit of responsibility that he had prior to that time to protect the lives of American citizens whether they be in uniform or not.

Mr. RAILSBACK. Will the gentleman yield further?

Mr. WHALEN. I yield to the gentleman from Illinois.

Mr. RAILSBACK. What troubles me about this is that, as I understand the gentleman's remarks, then the President would have been permitted to do exactly what he did and we are in no way limiting him as far as any kind of future recurrences of the Cambodian situation that we have been debating today are concerned. Is that correct?

Mr. FINDLEY. That is exactly true, so long as he interprets his action as being required to protect the lives of American citizens. I do not know of any sensible American citizen who would seek to diminish that responsibility on his part. Certainly I do not intend it by this amendment.

I might say that the Leggett amendment would have two effects, however. The first effect of the Leggett amendment would be—

Mr. RAILSBACK. Will the gentleman yield further?

Mr. WHALEN. Yes. I yield to the gentleman.

Mr. RAILSBACK. Let me say that I am not interested now in and I am not directing my remarks at the Leggett amendment, but I am more concerned about your amendment.

The gentleman from New Jersey (Mr. FRELINGHUYSEN), I understand, is now drafting an amendment which I may be willing to support.

What really troubles me about this is this: It seems to me those of us who heard the gentleman explain his amendment last week were of the opinion that it would somehow restrict or constrain the President as far as taking this kind of an action into a so-called neutral country without obtaining some kind of congressional approval.

Mr. FINDLEY. That is true.

Mr. RAILSBACK. It sounds to me, though, that there is no approval required and it is simply a report. I am not even certain when that report has to be made. Does the President have to report to the Congress before or can he report after the action is taken?

Mr. FINDLEY. He could elect to do either, but under the circumstances, as he explained them to the various Members of this body in the briefing yesterday, the circumstances required secrecy. I would assume if he would do it all over again, he would do it as he did without advance notice of the details given to any Member of Congress. I defend him in exercising that right.

Now, you ask about whether or not the amendment would have any restraint upon the use of ground combat forces beyond the territory of South Vietnam. It would, provided the action was not justified in terms of protecting U.S. lives. The protection of U.S. lives is a fundamental responsibility of the President of the United States.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Leggett amendment to the Findley amendment and I will support, if I get a chance, the Bingham amendment to the Reid amendment. I think that without the Leggett amendment, the Findley amendment would be disastrous.

The Findley amendment in effect asks us once more to place our reliance on the President's good judgment and discretion in deciding where, when and how to employ U.S. military forces in Laos, Thailand, and Cambodia in order to protect the lives of American servicemen in South Vietnam.

As I understood the remarks of the gentleman from Illinois (Mr. FINDLEY), he contends that the President's power is absolute and that the Congress of the United States has no power at all. I respectfully disagree with the gentleman.

Mr. FINDLEY. Mr. Chairman, would the gentleman yield?

Mr. MIKVA. I shall yield to the gentleman in a moment. I think what we are being asked to do with the Findley amendment is to confirm the actions of the President over which Congress does have some control and those actions I

think are a tragic backward step in our policy in Southeast Asia.

Mr. Chairman, I would have hoped we would never again hear our military commanders quoted to the effect that they had to destroy an Indochinese village in order to save it. Yet, daily we see reports of the burning and razing of Cambodian villages in the path of the advance of our forces toward an increasingly ephemeral "general headquarters" of the North Vietnamese Army.

Mr. Chairman, rather than reducing our commitment to Southeast Asia, the President unilaterally, and without prior congressional consultation, without even a nod to Cambodian sovereignty, and apparently with only a last-minute tip to his own Secretary of State, has chosen to expand the Vietnam war across new national boundaries. The Findley amendment, if adopted, would place our stamp of approval and our ratification upon those actions. I say the line of responsibility lies with us to turn that policy around.

Mr. Chairman, during the past 2 days I have reread some of the debate that took place in the House and in the other body in August of 1964 at the time of the Tonkin Gulf crisis. Those who have been speaking in behalf of the Findley amendment could virtually have lifted their speeches from that debate as to what they said then and are saying now. Yet only two out of 435 specifically voted against it. The virtual unanimous surrender of the legislative body at that time is being asked for again in the Findley amendment, only this one is more dangerous.

Mr. Chairman, Senator Morse said in 1964 something which I think is equally applicable to the President's policy today; Senator Morse stated as follows:

It is a policy that asserts that if we merely use enough force, and make clear by enough threats that it will be pretty bad and hard on them (the Communists), that if they do not yield to our threats—if we follow that course, we shall avert the danger of war. Under that policy we greatly increase the risk of a full-scale war in Asia.

So said Senator Morse in 1964 and I think those words are very apt and appropriate today.

Mr. Chairman, I submit that the virtually unlimited power accorded the President by the Tonkin Gulf resolution to wage war in Southeast Asia in the name of protection of our men and interests, has been systematically abused.

Mr. Chairman, I submit that the virtually unlimited power afforded the President by the Tonkin Gulf resolution would be reconfirmed if the Findley amendment is adopted. We would by that action support a proneness to repeat the most tragic errors and mistakes in our history.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. Yes; I yield briefly to the gentleman from Illinois.

Mr. FINDLEY. Is the gentleman seriously suggesting that the Congress should attempt to limit the authority, right, and duty of the President as Commander in Chief to take military action to protect U.S. lives in the field?

Mr. MIKVA. No; I am suggesting that the Congress exercise its constitutional power and on which I presumed your amendment was based.

Mr. FINDLEY. It is, indeed.

Mr. MIKVA. If it is not based on that constitutional power, then I do not know why we are wasting time here by arguing about it.

Mr. FINDLEY. It would provide a proper role for the Congress to review and pass upon the President's action should he see fit to take such action.

Mr. MIKVA. It would not have that effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TIERNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from California. As you know, I have been joined by 17 cosponsors on a resolution stating "the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia."

Mr. Speaker, due to our own neglect, Congress has been reduced to virtual impotence in the making of foreign policy. With crisis following upon crisis in the last few decades, we have tended to think only of the crisis that was upon us and of the assumed need for speedy action.

It is time for us now to think of a constitutional crisis which may soon be upon us. The language of the Constitution is clear; the war power is vested almost entirely in the Congress, with the only important exception being the necessary authority of the President to repel a sudden attack on this country. In addition, the intent of the framers of the Constitution is clear. In a letter to James Madison in 1789, Thomas Jefferson wrote:

We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

The practice of impoundment of congressional authority was also condemned by one Senator during World War II:

Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people.

Certainly even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. Prof. Ruhl Bartlett has stated that "there are no experts in wisdom concerning human affairs or in determining the national interest." The greatest insight of our Founding Fathers was their recognition of the dangers of unlimited power exercised by a single man or institution.

The amendment which my colleague from California has introduced is a step in the direction of Congress reclaiming their constitutional rights. The President's Cambodian decision was, I believe, reached with undue haste. The escalation of our efforts is moving at a near panicky pace.

The movement of American ground forces into Cambodia is a tragic repeti-

tion of the mistakes of the past. The history of previous escalation in this area has been that it stiffens the Communist will to resist, pushes up the death toll, and brings no serious move toward the peace table.

This country has spent more than \$120 billion in Southeast Asia. We have lost the lives of 50,000 Americans. We have dropped more bombs than were dropped during all of World War II and Korea combined.

Now we are told that the war is being expanded further, having been told just a week ago that peace was in sight.

I cannot accept this and I urge my colleagues to join me in supporting the Leggett amendment.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at a time limitation on the Reid of New York amendment and all amendments thereto?

Mr. Chairman, I ask unanimous consent that all debate on the Reid of New York amendment and all amendments thereto close at 4:50 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the Reid of New York amendment and all amendments thereto close at 5 o'clock.

The question was taken.

Mr. RIVERS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RIVERS and Mr. BURTON of California.

The Committee divided, and the tellers reported that there were—ayes 147, noes 82.

So the motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing and seeking recognition under the limitation of time.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I was impressed by the suggested amendment of the gentleman from New Jersey (Mr. FRELINGHUYSEN), but I believe that the Reid amendment, as written, accomplishes the purpose which he suggests to be desirable.

The gentleman from New Jersey correctly states that the relation between the Presidency and the Congress respecting war and the control of the military forces is a delicate one and any resolution relating to it should be drawn with precision.

But I think the amendment as introduced by the gentleman from New York, (Mr. REID) uses appropriate language to obtain the desired purpose. Substantially the same language would result from the Leggett amendment to the Findley substitute, because it really only adds the proviso that "prior consent of the Congress" would be the sole exception under which it would be permissive "to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia."

Let me point out to you that both the Leggett amendment and the Reid amendment are qualified by the phrase, "in line with the expressed intention of the President of the United States," and this it seems to me, places the question in the context of contemporary facts.

Of course, as Alexander Hamilton wrote in the Federalist Paper No. 69, the President has "the supreme command and direction of the military and naval forces." This authority, to direct in general military operations, would encompass all determinations for the safety of the forces ancillary to the accomplishment of a legitimate purpose. For instance, hot pursuit across a national boundary could be encompassed in this authority, and even the flushing out of certain enemy strongholds in the general vicinity of a border necessary or expeditious in pursuing a legitimate military goal would, it seems to me, be encompassed within the President's authority as Commander in Chief.

Even with the stated restriction against the "introduction of American ground combat troops into Laos, Thailand, or Cambodia," I think the qualifying language, that such limitation is intended to be "in line with the expressed intention of the President of the United States," gives a certain leeway, so that the President may act within his scope of authority as supreme commander and director of the military and naval forces.

It does not, though, extend to him the authority that Alexander Hamilton described as that of the British King, an authority which "extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution—appertain to the legislature."

Thus, if we should pass the Reid amendment, or if we should pass the Leggett amendment to the Findley substitute, certain necessary defensive action on the borders of South Vietnam over a temporary period would, I think, be permissible. This is entirely aside from the point of whether or not the activities now engaged in are improvident, as I think they are.

But the grave danger that many of us feel to be present in the Cambodian adventure is the danger that this Nation will become embroiled in continued conflict in Cambodia. The lack of candor which has characterized the whole series of events associated with the Cambodian invasion makes the nature of that intrusion ambiguous. We cannot be quite certain as to the extent or purpose of the intrusion.

It may be, as the administration claims merely for the purpose of interdicting certain supply lines by means of a limited military action, or it may have far broader implications involving direct American intervention in the tenuous military and political situation in Cambodia.

If it is only the former, the Reid or Leggett amendments would not really come into play. Indeed, the operative date of such legislation would occur long after the events.

On the other hand, if the intrusion is

for a much broader purpose, then it is quite clear that it would be, or would become, in direct violation of a limitation which prohibits the funds authorized to be used to finance the introduction of American ground combat troops into Cambodia, for at that point the activity in Cambodia would be in the nature of declaring of war or regulating of armies. The matter would become one which Congress alone should authorize, a matter of international policy relating to war and the regulating of armies, rather than a question of command and direction of military forces in an existing war situation.

The Findley amendment has quite the opposite effect. If it only permitted the command and direction of the military forces in an existing war, without instituting policy changes, it would add nothing and be quite unnecessary.

But the Findley amendment does much more. It would give constitutional sanction to the President to engage in a new war in Cambodia or establish new broad national policy regarding regulating armies in that nation. It is a Gulf of Tonkin-type resolution for Cambodia.

Whereas without the resolution the President can at most only command forces in activities ancillary to an existing war in South Vietnam, with the resolution he can introduce American ground combat troops into Laos, Thailand, or Cambodia without further prior consent of Congress when he determines that the same has the effect of protecting the lives of American troops remaining within South Vietnam provided he reports promptly to Congress.

The condition that the new involvement must be found by him to have the effect of protecting the lives of American troops is really little restriction at all. Suppose, for instance, the People's Republic of China were involved in such a resolution. It could quite readily be argued that paratroops could be dropped in China to attack munitions plants in order to "protect the lives of American troops remaining within South Vietnam." Yet such action would obviously be an act of war vastly enlarging the present area of combat and would necessitate prior approval by Congress.

Mr. Chairman, the Findley amendment does not limit Presidential power; it extends it. It gives full discretion to the President to determine what action has the effect of protecting lives of American troops in South Vietnam. Any action in any area in the Southeast Asian theater which seems to further our military objective can be justified on this ground.

In this respect, the Findley amendment is extremely imprecise, and Mr. Frelinghuysen's criticism is well taken. It should be rejected or, if not rejected, amended. If it should be substituted for the Reid amendment, it should be defeated because it is worse than no restriction at all. The President is presently restricted within constitutional bounds unless Congress gives him a blank check as in the Gulf of Tonkin resolution.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I come before you today in support of both the Reid and the Leggett amendments. Somewhat ironically, we find ourselves almost on the eve of 25 years that have elapsed since the end of World War II. Most of the argument I heard this afternoon would support the President's course taken in the last war and would have been relevant 25 years ago, but it has little relevance to the events that have occurred in this country over the last few years.

We, the Members of Congress and our body as a whole, we are on test. It is our relevance which we debate here today. Will we squander this opportunity? Will we sit back with indifference? Will we allow a direction to be taken which is reminiscent of the congressional history of the past decade? Will we sit by impotent in the face of unilateral action by President Nixon in broadening the conflict in Southeast Asia?

The attention of this body and of the Nation has at last been focused on the abdication of congressional responsibility. I add my voice to those who are disturbed by Congress' inability in a meaningful way to deal effectively with contemporary events, with war in distant lands, with commitment of national resources in such a way as to polarize discordant segments of our people. I ask Congress to reassert once again the prerogatives given to it under the Constitution.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I support the Reid amendment to the military procurement authorization, prohibiting the introduction of U.S. ground combat forces in Laos, Thailand or Cambodia. And I rise in support of the Leggett amendment to the Findley substitute. The Leggett amendment requires the President to obtain the consent of Congress under any circumstances before committing U.S. ground combat forces in Laos, Thailand, and Cambodia. I think it important that Congress reassert its constitutional responsibility regarding involvement of the United States in foreign wars.

Mr. Chairman, the lingering war in Vietnam and the more recent resumption of the bombing of North Vietnam, all point out just how desperate our situation is in Southeast Asia. We cannot negotiate our way out, it seems; we cannot win a military victory; we cannot trust the Government of South Vietnam to protect itself; the new Cambodian Government cannot stand alone. We are simply trapped in quicksand in Indochina. And the more we struggle, the deeper in we go.

There would be no value in repeating here again all the reasons we should—and must—leave Indochina. All of us here in this Chamber understand where we are and why we are in such an indefensible position. But, I would urge all of my colleagues to consider this Nation's future as well as the recent and present developments, here in the United States as well as abroad, before voting today on the Military Authorization Act.

Mr. Chairman, I voted against the motion to limit debate. I believe we should thoroughly and carefully debate this important issue.

If this Congress is truly representative of the American people, I would say we have no other choice but to make our intentions in Congress crystal clear to the administration.

We learned in previous years the folly Congress commits when it submits blindly to the demands of an administration which follows the dictates of the military.

Unless we stop this new escalation of fighting in Indochina immediately, we face the very real possibility of being part of a government which has lost complete touch with the people it is supposed to lead.

Mr. Chairman, our first duty is to save our Nation. To do that, I believe that we must stop not only this new escalation, but the fighting in Vietnam as well. We must bring our troops home as quickly as possible and we must devote ourselves to resolving the many domestic issues that plague our Nation today. This Nation has endured many crises, but never before has an American administration become so out of touch with the people it represents.

I urge the Congress to do everything in its power to end this new madness as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I, too, rise in support of the Leggett and the Reid amendments. Everybody wants to protect our boys and everybody wants to save lives. I think there is a serious question of judgment as to how this should be done. If we follow the reasoning that was pointed out to us on Thursday evening last, then the next step would be to say, "Why not bomb the living daylights out of Hanoi and Haiphong? Why not hit the arms and munition factories in Russia and in China?" Because, certainly those actions would help save our boys. The alternative is not to expose them further, not to extend the war into another country, but to bring them home as soon as possible. That is the only one, true effective way we can save our boys.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I oppose the procedure of trying to write foreign policy by writing amendments to an authorization bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise in support of the Leggett amendment and in opposition to the Findley amendment, and I also support the Bingham and Reid amendments.

Adoption of the Findley substitute would be nothing less than Congress writing its own signature to its own impotence and irrelevance in foreign affairs.

The Findley substitute constitutes congressional approval of the unilateral ac-

tion undertaken by the President, violating the territorial integrity of a neutral nation and escalating the war in Vietnam into a conflict which may encompass all of Indochina. Moreover, it is not approval following careful prior consultation by the Executive with the Congress, but rather it represents the most abject acquiescence to the dictate of the Executive.

Therefore, the Findley amendment raises two of the most significant issues this House can be confronted with—the responsibility of the Congress and the escalation of the war in Southeast Asia. It does so by authorizing the use of funds for American troops in Laos, Thailand, and Cambodia without the prior consent of Congress whenever the President determines it is necessary.

In the past the House has appropriated whatever funds Presidents have requested for the Vietnam war over the insistent and vocal opposition of a few of us. Five years ago I voted against the first supplemental appropriation for military operations in Vietnam, and I have consistently opposed all appropriation requests for this tragic war. I have repeatedly pointed out that Congress should exercise its power of the purse and cease financing this war. However, Congress has acquiesced in the war. Congress may not have officially declared war, but it has certainly financed it.

But the escalation of the war by entering into Cambodia is a new act, unauthorized and as yet unsanctioned by the Congress. This is a new step, distinct, and apart from the conflict which until now has been confined to the ambit of North and South Vietnam. The Congress should finally assert the constitutional powers which it has abdicated in the past.

Approval of the Findley substitute would constitute ratification of a fait accompli, setting a perilous precedent by assuring the President that he may unilaterally embark upon the invasion of neutral nations, not in emergency situations where there simply is no time to consult Congress or obtain congressional concurrence, but whenever he deems it desirable to do so.

Apart from the matter of precedents and of congressional default, there is the stark fact that the escalation into Cambodia is a clear repudiation of a political solution for the war, and a clear endorsement of a military solution. If the past years have provided no other lesson—and certainly they should have taught us much more than just one truth—it is that a military solution to this war is a bankrupt policy. And yet, despite the campaign promises, despite the assurances that we are on the road to peace, we see the exercise of a logic which expands the war even more.

We have heard the old refrain too many times to believe it—"just one more escalation, and we'll have a military victory." Cambodia is now the "one more escalation." It has as little likelihood of producing a military victory as any past illusions. But, whether it is successful or not is not the real point here. The point is that the President has clearly revealed

that his is a war of generals, not of diplomats. More American lives are to be sacrificed; more Asian people are to be killed; more villages are to be destroyed; and more fields scorched.

The Findley substitute is complete endorsement of the justification offered by the President last Thursday evening, April 30, for the invasion of Cambodia: The protection of Americans remaining in Vietnam and the success of the Vietnamization program. Yet, this justification is really just subterfuge for an escalation of the war.

If Vietnamization cannot succeed in the face of the North Vietnamese threat, then it is indeed a barren policy, because it is clear that the North Vietnamese are not going to disappear, while the South Vietnamese take over the war. The consequence is that American troops will never be completely withdrawn from Southeast Asia, unless there is a change in policy.

All of us want to protect American lives, but it is tortuous reasoning to argue that the way to achieve this is by expansion of the war. Disengagement and withdrawal of American troops are the most effective means to save American lives. Serious negotiations at Paris and a willingness to recognize the political realities in South Vietnam are necessary steps toward peace. From the beginning, diplomatic negotiations and the neutralization of Southeast Asia should have been the objectives of our policy. But that course has been rejected.

The Findley substitute plainly endorses without qualification the military course the President has embarked upon. Let there be no question that it will be construed in any other way. The language of the Findley substitute allows for no interpretation except full endorsement of the President's action. It was fashioned on the floor of the House last Thursday before the President's speech as advance approval of his rationale. If there is any question about it being a blanket endorsement, President Nixon, we have been told this afternoon by the gentleman from Louisiana (Mr. HÉBERT) said he favored the Findley amendment because it was in line with his policy. According to Mr. FINDLEY, the President told him his amendment was "splendid."

We need only recall passage by this House of H.R. 613 last fall. H.R. 613, which spoke of President Nixon's efforts to negotiate a "just peace" in Vietnam, was interpreted by the President as "supporting his plan for peace." The Findley substitute will likewise be embraced by the President and paraded by him as Congress' imprimatur of the action he has undertaken.

If Congress is to assert its proper constitutional role in foreign policy, the Leggett amendment should be adopted. On the other hand, the Findley substitute would be another act of congressional abdication. For me the choice is clear.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the Findley amendment.

Mr. Chairman, I rise in support of the Findley amendment and urge its adoption.

I said here on the floor of the House last week that I was disappointed when President Nixon committed American aid to Cambodia without, apparently, consulting with our other allies in the SEATO treaty or in the United Nations, or with Congress itself.

I said then that I would have preferred if the President had avoided unilateral commitment of American troops and if, indeed, the aid to Cambodia was necessary, it ought to be a collective effort of all the powers involved. Cambodia has been a member of the United Nations since 1955, and, surely, some effort should have been made to present the case to the Security Council.

Cambodia is also a member of SEATO, and surely, we should have obtained commitments from our allies in this treaty before moving in the troops.

But as disappointed as I am with this unilateral action, the fact remains that the President has committed American troops; the die has been cast. Even though this action may or may not be successful, the fact remains that we cannot abandon the Commander in Chief when he has made such a decision.

I said on the floor yesterday that to question the constitutionality of the President's authority to commit troops is naive. American Presidents have been committing American troops to foreign lands since the Spanish-American War.

President Truman sent troops into Korea; President Eisenhower sent them to Lebanon; Jack Kennedy almost triggered off a nuclear holocaust in his eye-to-eye missile confrontation over Cuba; President Johnson sent troops into the Dominican Republic and into Elizabethville. In each instance, the action was taken by the Chief Executive without prior consultation with the Congress. That is why I believe that the Findley amendment does, indeed, put into proper perspective the intent of Congress, and serves notice to the President that any future involvement in Cambodia, or Laos, or Thailand, must first be approved by the Congress.

So far as I know, this is the first time that the Congress is being asked to take this sort of action, and this is the first time that Congress is officially serving notice to the President that it intends to be consulted, and it must approve any commitment of American troops in those two theaters.

Previous actions have been taken by Presidents without consultation of Congress because Congress has never spoken out in such precise terms as in the Findley amendment.

It occurs to me that by adopting the Findley amendment we are now serving notice on the President that we definitely must be consulted and given an opportunity to vote on any recommendation that we may have to involve troops in these three theaters.

The Findley amendment quite properly gives the President authority to move swiftly when the immediate safety of our soldiers is involved and to promptly inform Congress of his action.

Actually, the heart of the debate today between the Findley amendment and the Leggett substitute is that the Leggett substitute does not give the President power to act on his own initiative when the safety of our soldiers is directly involved.

I appreciate the efforts by our colleague, Mr. LEGGETT, to vest in the Congress the final authority for committing troops.

Surely, this is as it should be, but I am troubled by the possibility, if we want to accept the Leggett amendment, that we might be seriously endangering our troops before the President could get approval from Congress for necessary action.

This is a most difficult problem, and one that I am not sure that we can resolve in the heat of the floor debate. I believe that the Findley amendment offers the Members of Congress the greatest hope of a voice in these affairs without endangering the lives of our soldiers in combat.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I rise in support of the Findley amendment. I think there is an understanding that in this Chamber and throughout the country there is reason and opportunity for Members as well as the country to disagree upon the conduct of the war and where we should be today. There should not be any disagreement about saving the lives and the means by which this Government may go about saving the lives of our combat troops in Southeast Asia. I am concerned this afternoon when I hear the arguments used against the war or the fact we are now eliminating the sanctuaries the Communists have been using for years to kill our young men. Almost all of the reasons given have been not antiwar, anti-Vietnam, nor anti-Cambodia—they have been anti-Nixon. Have we not played politics for too long now with such a serious matter?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, we are a nation in distress. The President has contributed immeasurably to that distress by adding another country to the list of our unauthorized, undeclared, interminable, inexcusable wars. Now the House is contributing to it by making a mockery of representative government once again—45 seconds to discuss the war. And, of course, there is to be no record of how Members vote on critical questions, so that will be no way that voters can judge how they have been represented. Is it not strange under these circumstances that millions of ordinary citizens despair for representative government, and that some of them commit their own violations of constitutional and democratic process? Abraham Lincoln warned that a house divided against itself cannot stand. We are doing a superb job of dividing ourselves against ourselves. It does not profit a country very much to conquer far-off swamp-lands and lose its own future by losing

its own children. That is what we are doing. That is why these are days that will come to be numbered among the saddest in our history if we continue on our present course.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, when the present President came into office, he found over 500,000 Americans involved in a war in Asia with no plan in progress either to win it or to withdraw from it. Immediately he made clear his plans to the Asian leaders and the American people to avoid such involvement in the future. He instituted in Vietnam a Vietnamization and phased withdrawal policy—which is working. This action in Cambodia was in furtherance of that policy—not to help escalate the war, but to end the war, and not to get us in deeper, but to get us out. I therefore give him my firm and prayerful support.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I did not get a chance to say earlier that I intend to vote against the Findley amendment. It seems to me it is a clear endorsement of the rationale of the President in involving us in another country in Southeast Asia. I regret the action of the President. I think he clearly committed himself to consulting Congress before he put our troops in Cambodia. I hope this House will make clear our desire to have the United States limit the war, then disengage, and bring our troops back.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I must take my stand with those who oppose America's trespass into Cambodia.

I am in hearty support of the Leggett-Reid amendment to prohibit the use of funds authorized to be appropriated to finance the introduction of American ground combat troops in Laos, Thailand, or Cambodia without prior consent of Congress.

The action of the President in bypassing the Congress in moving American troops into Cambodia defies the constitution as it ignores the lessons of history.

If the President has the authority without consent of Congress to commit the ground forces to Cambodia if he decides it necessary to protect the lives of American troops in South Vietnam, he must also have the authority to commit ground troops to combat in Red China or the Soviet Union for the same reason. There are no outward limits of the Presidential authority to extend the war under this interpretation.

American lives can be better protected by preventing their commitment into new areas of conflict.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, we have been told by the gentleman from Louisiana and others we have to abrogate our powers as Member of Congress to support the President as the Commander in Chief in his unauthorized invasion of Cambodia. The Congress of the United States as such does not have a Commander in Chief. We are supposed to be an independent body, a coequal branch of Government.

The Constitution gives to us, the Congress, the power to determine whether to commit this Nation to war. We have an opportunity today to reassert that prerogative. I believe we must take it. If we do not take it I fear for the future of this country, because this decision of the President to unilaterally, without the consent of Congress, go into Cambodia is doing more to polarize and divide this country than any other act in our past history.

The Congress has been blindly supporting Presidents in the conduct of unauthorized wars for far too long. In so doing, we abrogate our constitutional responsibilities. In the case of the Vietnam war, President Johnson at least went to Congress for authorization with the Gulf of Tonkin resolution. President Nixon, a self-proclaimed strict constructionist, did not even seek a pretext of congressional authority for his Cambodian invasion.

The President claims as authority his powers as Commander in Chief. Those powers quite clearly extend only to conduct of declared wars, however—the power to commit the country to war was left indisputably and wisely by our Founding Fathers to Congress.

Once again, we hear the false justifications for these actions we have heard for so long under President Johnson. We will end the war by escalating it. We will preserve Cambodian neutrality by violating it. We will save lives by committing more men to battle. Time and again the result we have seen is more men killed and an ever deeper involvement in a land war on the continent of Asia which virtually every military expert has advised against. Even the most conservative of generals, Gen. Douglas MacArthur, claimed that to get involved in such a war would be "the height of folly."

Furthermore, the internal consequences of expanding the war are horrendous. Our already alienated youth, those who are being asked to risk their lives, may well give up altogether on the responsiveness of our democratic system.

The President came to office on two worthy pledges—to end the war and to bring this country together. Can you blame youth for being disillusioned and cynical when they see these pledges violated so blatantly?

Congress is now the court of last resort for our youth. If we fail to redeem the pledges of the President, if we fail to restore the balance of powers contemplated by the Constitution, they will have no place else to turn but to the streets.

I plead with you, therefore, for the sake of the future of this country, to act today to limit our involvement in the war and restore the war control powers of the Congress given in the Constitution.

I urge support of the Leggett, Bingham, and Reid amendments and defeat of the Findley amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, first, this is not a question of confrontation between the Congress and the President, but between the constitutional responsibility of the Congress and that of the Presidency, the Presidency as an institution.

We know we have but one President. For that reason we must reassure ourselves he has not in some way been isolated from the straight facts or the most authoritative interpretation of them.

If the Secretary of Defense does not know what we are doing and the Secretary of State does not approve of it, we lack that reassurance. The Secretary of State may console himself with the knowledge he has no constitutional right to be consulted on foreign policy. But we have not only a right, but a responsibility to participate in decisions to go to war.

Second, the argument made that this Cambodian adventure is to save American lives raises three immediate questions.

One. How does it?

Two. If this fresh surprise itself is justified in the name of such a worthy cause—

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. There is nothing to object to. The gentleman from Wisconsin has been recognized, and the gentleman is yielding to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, if this fresh surprise is justified in the name of that worthy cause, what further unannounced steps would not be justified for the same purpose? Today Cambodia, tomorrow the world.

Third. Are not the U.S. lives in jeopardy placed there by policies essentially in question themselves? These policies undoubtedly rest on an interpretation of the requirements of our own national security, but that security itself is based on the credibility and the utility of all our worldwide commitments.

Many nations, relying on our support for survival, far from viewing—

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I am opposed to these amendments as being a wholly unnecessary restriction upon the President of the United States who, after all, is responsible for the conduct of the war.

While I differ with President Nixon on the conduct of the war in Vietnam in that I believe we should have long ago

eliminated the sanctuary of North Vietnam or gotten out of Vietnam altogether, I am not at this day and hour going to lend my support to legislation that will tie his hands.

The President has assured the Nation that he intends to bring U.S. participation in the conflict to an end in the next 8 to 9 months and I do not intend to handcuff him as the military has been handcuffed for years in the fighting of this war.

The CHAIRMAN. The Chair recognizes the gentlemen from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman.

The nations relying on us for survival, far from viewing our immersion in Vietnam as a gage of the strength of our commitments, see it as reducing our capability to meet other such commitments which they deem and believe we should deem more vital to our national interests. They cannot be expected to see this strain on our resources operating to their advantage, any more than the proponents of our domestic priorities find any hope in it.

Finally, what precisely is the "victory" which the President has in mind? Surely there will be no Arc de Triomphe to march through. The "Arc," humble but triumphant, which I foresee for this area, is the bent back of a rice worker unafraid of war. To participate in a negotiated compromise which would make such an "Arc," possible is the greatest victory I can conceive.

I say this out of no lack of concern or respect for our troops or their gallantry and sacrifices. That very gallantry and sacrifice merits their return home in the wake of a settlement that incorporates the splendid victories they have already won.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, what a travesty this is.

I am sure that those in the gallery—have never witnessed such a sad sight in their lives as this teller vote to cut off debate.

Mr. HALL. Point of order, Mr. Chairman.

Mr. RIEGLE. Mr. Chairman, I have not witnessed a sadder sight in my life.

I am glad that my Congressman did not go through that line to prevent Members from speaking and to cut off this urgent debate.

Here we are 8 years into an undeclared war, and we are not even willing to take the time to debate the issue.

Where are the Members who walked through that line? Many are gone now—they have left the floor. They have gone to do any number of things—and I am sure some are doing things far less important than this floor debate. What I resent is having Members come in here and vote to cut off my chance to speak, and then leave. If they are not going to bother to stay here for the debate—they

ought to at least have the courtesy to let those of us who wish to speak—have the chance to do so.

That is a sorry tribute to the operation of this Chamber and a sad and discouraging tribute to the 50,000 young Americans that have given their lives in this undeclared war.

I believe it is wrong, and we ought to be ashamed of this effort to duck out on this burning issue.

In light of the fact that debate has been choked off—and in light of the fact that funds in this bill are apt to be used to expand the war in South Vietnam, without specific congressional authorization, I cannot give blanket approval to this bill. We are prevented from having rollcall votes which would enable us to specify the particular areas of the bill we disagree with. Therefore, until the President seeks, and is given formal congressional approval to expand the war in Southeast Asia—I will vote present on all defense bills. I do this reluctantly—but find it the only way to exercise my constitutional responsibility on the question of war.

Mr. HALL. Mr. Chairman, point of order.

I ask that those in the galleries be cautioned.

The CHAIRMAN. The Chair will state that the guests in the galleries are exactly that, guests of the House of Representatives. There shall be no manifestations either for or opposed to debate which takes place on the floor of the House of Representatives.

The Chair recognizes the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, I join in support of the Leggett amendment to the Reid of New York amendment. I believe this is exactly what the President said he wanted.

The provision would not take effect until June 30, 1970. The President said we would withdraw from Cambodia by that date.

The people in my district do not want to escalate the war in Cambodia, Laos, and Thailand. I believe I am doing the best I can to represent their viewpoint, in supporting the Leggett amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Chairman, I opposed the war under President Johnson; I oppose the war under President Nixon. But that is not the issue here.

To those who say the issue is that we owe a loyalty to our Commander in Chief, then I say as Members of the U.S. Congress we owe a higher loyalty to the U.S. Constitution.

The fact of the matter is this: Our most solemn duty under the Constitution is our responsibility to decide whether or not we choose to declare war. We are currently, and we have been for a number of years, engaged in an undeclared war. The passage of the Findley amendment, which I vigorously oppose, would be little more than delegating, as we did in the Tonkin Gulf resolution,

our power and authority to make this determination.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in support of the Bingham amendment and in support of the Leggett amendment and in support of the Reid amendment. I think these amendments reflect the feeling of a vast majority of the American people.

We in this House are supposed to be closest to the American people. We represent the people of this great Nation.

Well, the people do not want this war. There is an ever-changing, ever-growing attitude turning against our involvement in Southeast Asia. The so-called silent majority is not keeping silent much longer and we will be hearing more and more from them.

We speak for the American people. And it is high time we exercise our prerogatives and speak out loud and clear that we want this madness ended—
not expanded.

For the sake of humanity, let us speak out by our votes here today in favor of the Bingham and the Leggett amendments, followed by the passage of the Reid amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I think I understand the frustrations and logic by which the President and the military made the decision to invade Cambodia, a neutral nation. I believe that decision was grievously wrong, and that the country is now paying and will continue to pay a heavy price for this mistake.

What was even more wrong than what was done was the way in which it was done. Much of the bitterness and the divisiveness which tore this country apart in the last 2 years of the Presidency of Lyndon Johnson was a result of the somewhat stealthy way in which a very small American operation of 16,000 advisers was turned into a huge expeditionary force bogged down in the longest war in our history. The Congress should have been taken into the President's confidence then, and Congress should have made this decision either to extend or not to extend the war into another country.

But the deed has been done. The invasion of Cambodia is a fact, and I deeply regret it. However, never again will our Armed Forces cross an international border without action by the Congress—if I have anything to say about it. If in the future an action of this kind is justified, the President ought to come to the Congress and get a majority vote in both Houses to authorize it. If he cannot get a majority to vote for it, then our country has no business undertaking this kind of action.

The plain words of the Findley amendment, considered in a vacuum, are good, and I could support them. The fact is that I intended to support the amendment when I first heard it offered, because it is a move backward to constitutional procedures. It is, by its plain terms, a restriction on the power of the President to expand or enlarge this war.

However, I am going to vote against it because I find it has now been embraced by the President, and all of those who support this invasion.

It is clear to me from the debate and the press reports that the President intends to interpret approval of this provision and any votes for it as approval of the policy he has undertaken in these last few tragic days. For this reason alone, and despite the regard I have for the author of this amendment, I shall vote against it. I shall vote for the Leggett, Bingham, and Reid amendments and urge my colleagues to do likewise. I have regretted many, many times my vote for the Gulf of Tonkin resolution, and I shall knowingly make no similar mistake ever again.

Mr. Chairman, I was seduced in the Gulf of Tonkin, but I shall not be "fish-hooked" or "parrot-beaked" into giving this or any other President another blank check.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I do not criticize the President at this juncture for his decision to go into Cambodia, but it is important that we declare we do not want to see a further escalation of the war after June 30, when this resolution will apply. I think it is essential that Congress take leadership at this point and perhaps restore the faith of our people in this Nation; that under our responsibility, which is essentially not to fund an army for a period to exceed 2 years, that we indicate in the only way we can, a cutoff of the expenditure of money for this war within the reasonably foreseeable future. This declaration today will be the first step to indicate that Congress will not continue to fund this war indefinitely.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, today you see the Congress in full retreat. Last December we marched up the Hill and enacted this law in line with the expressed intentions of the President of the United States, and he signed it:

None of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

The Findley amendment, Mr. Chairman, is going to repeal this. I do not care what you call it, but it is a retreat of the Congress. Either in December we did not know what we were doing or today we do not know what we are doing. If you vote for the Findley amendment, this will be an admission of that.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I feel about our situation in Cambodia much as W. C. Field's epitaph on his tombstone which reads:

On the whole I would rather be in Philadelphia.

But perhaps we cannot help being in Cambodia any more than W. C. Fields can help being where he is today.

Mr. Chairman, I did not vote for the

Gulf of Tonkin resolution. I was not here and did not support it. I was among the 59 who voted against the Wright resolution. I do not believe in blank checks.

The President and his Pentagon advisers say that by July 1 this year we can bring some sort of order out of this chaos and they can bring our boys home faster. I am for that. If they find they cannot do this, they should recognize that fact by July 1 and return all our troops by November 1, 1970, under either contingency we should be able to return our troops by November 1, 1970.

If the Pentagon advisers are mistaken about the prompt success they now promise, then let us return all our troops by November 1 and clean out the Pentagon high command. If we must endure old mistakes, let us at least have new faces. I urge approval of the Leggett amendment—which would have no effect until after the July 1, 1970 deadline the President set for himself.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Chairman, I rise in support of the Leggett-Reid amendments. I think that the whole Cambodian venture was a terrible mistake and represents an extension of many mistakes.

Mr. Chairman, the President has taken what can only be termed a tremendous gamble by spreading the military action in Southeast Asia to Cambodia. I fully understand the rationale he is using to justify sending American forces across the Vietnam-Cambodian border. There is no question that should this course of action be successful it will facilitate the withdrawal of the American troops during the next year. Many commodities and arms upon which the Vietcong are so dependent may be captured or destroyed thus causing a terrific setback to those forces.

However, on the other hand, we must also consider the risks involved by such precipitate action. There might be further outbreaks in such places as Laos, Thailand or Korea. Will it be this administration's policy to involve the United States in those areas without first consulting Congress?

I am greatly opposed to any expansion or escalation of the hostilities in Indochina. President Nixon had given the impression that he felt that same opposition. Two days before he announced to the world that American forces were crossing the border Secretary of State Rogers came before a subcommittee of the Appropriations Committee and said that to escalate the war, to cross over into Cambodia would defeat the purpose of the Nixon pacification program. Either Mr. Nixon was misleading the Congress or he failed to keep his own Secretary of State informed.

The President also made a serious mistake in not informing the people of this country that the troops would be leaving Cambodia by July 1. The nebulous term of 6 to 8 weeks was met with much skepticism among those of us who oppose the continued presence of American forces in Vietnam. As a result there was a great outpouring of public dissent, especially on the college campus. The dreadful tragedy that occurred at Kent State might

have been avoided had the specific date for withdrawing from Cambodia been announced last Thursday night.

Mr. Chairman, in weighing all these matters I find myself opposed to the President's action. As I stated earlier it is a tremendous gamble but a gamble where the possible good is overshadowed by the grave dangers it presents. I regret that President Nixon chose to follow this course.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

PREFERENTIAL MOTION OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts. Mr. Chairman, I offer a preferential motion. The Clerk read as follows:

Mr. O'NEILL of Massachusetts moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. How much time is allocated to the gentleman from Massachusetts and do I have any time during which to discuss the motion?

The CHAIRMAN. Under the preferential motion the gentleman from Massachusetts is recognized for 5 minutes.

Mr. RIVERS. Do I get 5 minutes to speak in opposition to the motion?

The CHAIRMAN. The gentleman from South Carolina will be recognized for 5 minutes to speak in opposition to the motion.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I do this in protest to cutting off the debate. Under this procedure we are allocated only 45 seconds. It takes more time than 45 seconds to say "Hello."

It is true, Mr. Chairman, that many Members have talked here this afternoon and, perhaps, we have repeated everything over and over and over again. But I think the people I represent at home are entitled to have my views expressed here, and to have my voice heard in this Congress. I think it is the wrong thing to do. I think we should stay here until 11 or 12 o'clock, if necessary, in order to fully debate this issue.

I have been in Congress 18 years. I have had student group after student group after student group visiting in my office today. They are all frustrated and are in a state of despair. They are, perhaps, no more frustrated than I, and I must admit that I have the same feeling of despair.

Mr. Chairman, this is the most serious problem with which I have been faced in my 18 years in office. It is not the issue of Cambodia, that is in itself so serious, but what it represents—government by Executive order and alienation of government from the people. I represent an area in which there are 200,000 students; 19 colleges, 13 junior colleges, and four other schools of higher learning.

What is happening is that school after school after school is closing. The students are frustrated. Why? They were

born in an era, born in the time of the Korean war right after their fathers had gotten back from World War II; they have lived in a period of cold war and through 8 years of this war in Vietnam. Of course they are frustrated. They say, "Congressman, can't you do anything?" They have tried the acceptable channels, yet not only does the policy not change, it gets worse. They see a majority of the country wanting an end to the war, yet the war goes on. They wonder, and rightfully so, "who decides?" It does not appear to be the people and it does not appear to be the Congress.

Mr. Chairman, I have spoken out against this war since 1967. If I feel frustrated, imagine how the poor students must feel, for their arena is even larger.

I say to you, "What good does it do if we are the most powerful and the strongest nation in the world if we are being torn apart from within?" I say to our senior Members of this House of Representatives, "Look at the situation as it exists, not as you would like it to be, and not as it used to be, but as it is now." No nation in the world can destroy us, but it is possible that we can destroy ourselves from within. This will not be done by subversives, but by growing disaffection and alienation, and by the erosion of constitutional rights and guarantees.

Mr. Chairman, what we should do is bring the boys home from Cambodia immediately and bring the boys home from Vietnam immediately.

If we were to win this war in 30 days, believe me the people in Vietnam would be fighting again. They have been fighting for 5,000 years, 4,500 years before this country was born or ever discovered. We cannot win for them something they do not want and would not accept.

The students of America are frustrated. I have my own children. My daughter will lose this year of school—she will not get her degree until a year from now—because she believes so strongly in the importance of demonstrating national concern on this issue. I am proud of her principles and convictions that led her to this decision.

I have five children between the ages of 18 and 26, and they all believe—as the students of America and as I believe—that we are obliged to do all we can to change the perilous course of this Nation. Truly, my children awakened me 3 years ago to the realization of how great this concern is, how deep the love of country and the desire to protect it. I know that those Members who are in the same age bracket and who have children as I do, appreciate the problem.

But I say to you, Mr. Chairman, America is in serious trouble. Believe me, America is in serious trouble. And the solution is that only by change and improvement in our society can we truly protect ourselves. We must provide the various things this Nation needs so badly. I immediately think of the senior citizens to whom we gave an increase earlier in the year, and to whom that increase means almost nothing because they are now getting a 93-cent dollar. I think of the students who cannot afford to continue schooling because of inflation, who will be unable to go back to school next

year. The list of priorities—ending poverty, housing, education—I do not know where to begin because there are so many priorities that this Nation needs, but we will never get to even the first priority while we are fighting a war in Vietnam that we cannot morally justify, and cannot justify politically.

I shall extend my remarks and put them in the RECORD. I intend to support the amendment as offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I will vote and give my wholehearted support to the Leggett amendment. I do so because, as a citizen of this Nation, I am obliged to do that which serves the best interest of the United States within constitutional and moral boundaries. And as a Member of the U.S. Congress I wish to reaffirm the fact that the Congress has not abdicated its responsibility for foreign affairs and the conduct of the military.

The Leggett amendment prohibits the use of funds under the Military Procurement Act for the introduction of troops into Laos, Cambodia, or Thailand without the prior consent of the Congress.

The act takes effect on June 30. President Nixon has said that he will have all the troops out of Cambodia by that date. Therefore, no one could possibly contend that this amendment would in any way deny to our troops in the field the means for their defense and protection.

I am sure my colleagues know of my long-standing opposition to our policy in Vietnam. I have supported measures to withdraw immediately all our troops from that morass. You also know that I have sponsored resolutions prohibiting the President from committing troops to Cambodia, Laos, and Thailand without the prior consent of Congress. However, I have not voted against authorization measures. I am voting for this amendment today that would prohibit the President from using these funds to enmesh us in another tragic and costly war in Asia.

In the past I have resisted these measures for a simple and practical reason. As we all know, the President has sufficient funds in the pipeline to carry on this war for another 3 years at least. He also has great discretionary power to transfer funds from one source to another. I have felt that these measures did not then mean that the war would truly end.

The President has promised that our troops will be out of Cambodia by June 30. By this action today, I mean to hold him to that, and I want it in the form of law, of statute and not a sense of the Congress.

By this vote I am saying to the President: You did not consult us. You have, on your own authority committed our boys to Cambodia. You have as much time—because you have seized it—as you said you wanted and you needed. You did this without our approval, but you cannot continue. You cannot commit American boys to foreign adventures and death without our consent.

I am saying to the President in my vote: There is no danger to American troops in this amendment. Not one soldier will be deprived of a rifle or a bullet

because of this. But those soldiers must be brought back by the 30th of June if not before. If this Nation is to commit suicide, then you shall not bring it about.

If there is justification in the President's case, let him come to Congress and show it. If there is really a need for this action, let him come to the Representatives of the people and we will decide. If we agree then we too are responsible, but we cannot allow decisions of this importance to be made by one man.

We, in this body, more than any other branch of Government, represent the people. If we fail to take responsibility for our actions, and fail to attempt to control the actions of the Government, then we must be held accountable. We cannot abdicate our responsibility. That is what we are doing if we fail to pass this amendment or if we accept the Findley amendment, which is just another repeat of the Gulf of Tonkin resolution.

The President cannot be allowed to assume these powers. They are awesome and overwhelming and we must share in their direction and use. This is a Nation of representative government; we are more than an executive, and that is what this amendment reasserts.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I subscribe to a great number of the remarks that the gentleman has made, particularly when he refers to the time limitation on debate. I know the gentleman who has the responsibility of managing the bill before the House at the present time has the responsibility, as he sees it, to get the bill through, but I see it from another view.

To me it is a serious mistake to limit debate on these amendments that have such great and grave national interest.

Mr. Chairman, I thank the gentleman for yielding.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Chairman, I just want to find out what my rights are in this matter. The gentleman from Massachusetts (Mr. O'NEILL) has submitted a preferential motion, and has received 5 minutes' time to discuss it. Now, do all the opponents and proponents on that motion have 5 minutes?

The CHAIRMAN. The Chair will state that the opponents to the motion are entitled to 5 minutes.

Mr. GIBBONS. They are entitled to 5 minutes each?

The CHAIRMAN. The Chair will state that the opponents are entitled to only one 5 minutes of rebuttal.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I would like to have the preferential motion read over again by the Clerk.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. GERALD R. FORD. I object, Mr. Chairman.

Mr. VANIK. I object, Mr. Chairman.

Mr. OTTINGER. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that the Clerk reread the preferential motion offered by the gentleman from Massachusetts, (Mr. O'NEILL).

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. OTTINGER. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, does anyone seriously think we could stop the war and bring the boys back immediately? Just say that President Nixon were to come out now and say, "All right, bring the boys home." Take out all the airplanes we have, it would take a great length of time, and it would expose every flank. There would be untold slaughter.

The talk now by Members of the other body, and even by the President, about bringing the boys home, has caused the enemy to go into these sanctuaries that we are now trying to clean out. There has been too much talk about bringing the boys home.

We have been begging to have these sanctuaries cleaned out. Anybody who knows anything at all knows that there have been countless hundreds of Americans killed because of these sanctuaries. Do not get me wrong. I am not for one of these amendments, none of them. I will take the Findley amendment as a last resort, but the President of the United States is doing exactly right, with or without the Findley amendment.

Get it straight. He is now trying to save American boys and he has said time and time and time again that he is not interested in numbers—he is interested in people.

The order he gave after the military brought him component information, the uncontroverted intelligence that these people had these sanctuaries there.

How many hundreds of times has Saigon been raided by rockets? It is only 30 miles away from the Cambodian border. Almost every day—30 miles away—and nobody did a thing about it until Richard Nixon ordered the troops in there to clean them out.

We do not need the Findley amendment. We do not need any amendment. Nixon is saving American boys and you are committed to the same objective. It is as simple as that.

If you try to get out of there seriously and deescalate this war now, in fact, in view of what is being done, it would be the greatest blood bath since Hitler exterminated people in those extermination chambers in Europe.

It is as simple as that; in fact it is doubly simple.

The young people are not serious about pulling out of this war now. I agree that the young people are frustrated. I know one person who is 64 years old who is very frustrated and he is not far from this microphone.

I think a lot of this frustration is because families have not taken enough time with their children to talk about a thing called patriotism—patriotism.

We make things too easy for certain people. I want to get this war over. It should have been won. I am for the Vietnamization program because there is no alternative, but Nixon says he is going to get out of these sanctuaries as soon as they are cleaned out—and they are being cleared out.

Today they have reported over 700,000 rounds of small ammunition and tons and tons of other kinds of materiel—everything that you could conceive of. He knew what he was talking about. He did the right thing.

If you want to report this bill back—go ahead and get it over with. This bill has nothing to do with personnel. This puts the guns in American's hands to try to defend themselves in the cause of freedom. Now go ahead and do what you want to do. It is no skin off my back. I am carrying out my responsibility. I am not equivocating either. We should have won this war. We did not want it, but there is not any alternative to Vietnamization and cleaning out these areas—and it is a step further with this Vietnamization.

Anybody with any brains at all knows that you could not have done anything as long as Sihanouk was there. Sihanouk got out and now there are only a few weeks left of fair weather.

We had to do it if we want to get those boys home. That is all there is involved. Now let us vote.

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. Mr. Chairman, considering the fact that a time limitation has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

The CHAIRMAN. The time will come out of the time of those who are participating in debate.

Mr. LEGGETT. Mr. Chairman, a further parliamentary inquiry. If we chose to rise right now and come back tomorrow, then would there be any time limitation on debate?

The CHAIRMAN. There would be no further debate.

The time was set at 5 o'clock.

The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The motion was rejected.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. McCARTHY).

Mr. McCARTHY. Mr. Chairman, the dubious constitutionality of this, the longest war in American history, impelled me yesterday to introduce a resolution. I will vote against—a declaration of war on North Vietnam. I call on the gentleman from South Carolina and the Speaker of the House of Representatives to bring this to the floor, 12 years late, and let us vote it up or down.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, this is a critical moment for young and old, at home and abroad. Events of recent days pose a constitutional crisis for America and have heightened international tensions throughout the world. This House has in the past been derelict in living up to its responsibilities in the conduct of foreign affairs; the debate today is the first real debate on Vietnam that has taken place in my 8 years in the Congress.

I would say first that the Reid amendment, as amended by the Findley substitute and the Leggett amendment would not take effect until July 1, 1970, the start of the new fiscal year.

The President yesterday gave firm assurances that U.S. troops would be withdrawn from Cambodia in 3 to 7 weeks which is prior to the effective date of this amendment.

The question, therefore, is not on the policy presently in effect but rather on the repetition or extension of that policy without prior consultation with the Congress.

The Findley substitute, while my colleague intends it to be narrowly construed, would provide too broad a grant of power that should properly be reserved to the Congress. Specifically, my colleague's interpretation is open to three arguments:

First, it would require reporting to the Congress only after the fact, not before.

Second, this amendment could permit the use of American troops virtually without geographic limit.

Third, my colleague bases his amendment on the President's constitutional powers as Commander in Chief. I believe this House has a coequal constitutional responsibility under the powers granted to it to declare war, to raise and support armies, and to make rules for the Government and regulation of the land and naval forces.

My amendment is not intended to deprive American fighting men of the protection they require. On the contrary, the President's powers in this regard are clear and will be upheld. My amendment is intended only to preclude the President from taking unilateral action without congressional consultation which could widen a war which has already torn America apart.

Our concern here today must not be merely tactical but must be with the serious diplomatic repercussions which could be felt in Paris, Moscow, Warsaw, and Vienna. Premier Kosygin has said that "these actions by the U.S.A. do not

strengthen mutual trust." It is on such mutual trust that the world lays its hope for progress at the SALT talks in Vienna.

The Soviet Premier also commented last week that:

The result of the invasion of Cambodia by American troops may well be the further complication of the general international situation as well.

And in Paris, the Hanoi and Vietcong delegations did not appear at the peace talk session scheduled for today. Further, Hanoi could well exercise other military options in Laos and Cambodia including an attack on Phnom Penh.

Here at home, the tragic consequences of our actions in Cambodia are plain to see. The tragedy at Kent State reflects the widening concern—indeed bitterness—on our campuses that Government is no longer responsive to the views of the people that we must end the war promptly and get on with priorities at home. I have received hundreds of messages and expressions of support from students across the Nation, and this morning a delegation from the University of Maryland presented me with a petition containing the signatures of 5,000 members of the university community who support the Reid amendment and strongly oppose our involvement in Cambodia.

In 1954, President Eisenhower said that:

There is going to be no involvement of America in war unless it is a result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear.

For 16 years we have not heeded that advice from a President who loved peace. Today, let the Congress exercise its constitutional powers of restraint and of consultation. The day of prior consultation on major changes in foreign policy must not be over.

I urge support of the Leggett amendment and the Reid amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman and members of the committee, I reiterate the remarks of my colleague from Massachusetts (Mr. O'NEILL). I regret that a matter so important as this to the American people should be cut short in debate. Needless to say, it is very difficult to squeeze a 5-minute speech into 30 seconds. Let me say simply that I support the Reid, Leggett, and Bingham amendments and I am opposed to the Findley amendment.

It may be that the decision of the President to commit U.S. troops to Cambodia is in the best interest of this Nation; it may be that this decision will facilitate Vietnamization and hasten American troop withdrawals in the long run. These are not the points at issue, however. What is at issue is unchecked executive discretion to order our military forces into action in foreign lands whenever and wherever the President chooses. What is at issue is the right of the Executive to alter constitutional processes at his option.

The constitutional basis for congressional involvement in any decision to

commit American troops to combat in a foreign land is found in article I, section 8 of the Constitution. Therein Congress is given the stated power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the Government and regulation of the Armed Forces; to provide—for calling forth of the militia and for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers. In contrast, article II, section 2 of the Constitution states that the President shall be Commander in Chief of the Army and Navy. In addition, the President may, with the advice and consent of the Senate, make treaties and appoint ambassadors.

The language of the Constitution makes it clear that the war power is vested almost entirely in the Congress. That this was the intent of the framers is quite clear from reading the proceedings of the Constitutional Convention and the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Presumably the Constitution permits the President to repel an attack on the United States or to take other military action in a genuine national emergency. But in recent years Presidents have claimed the right to commit the country to foreign wars under a sweeping interpretation of their power as Commander in Chief. While they have seen fit to get congressional sanction for their actions through resolutions, there is considerable doubt surrounding the question whether such resolutions grant sufficient authority for any military action the President might see fit to take.

Moreover, there is considerable doubt that Congress can circumvent the procedures set up in the Constitution for declaring war by passing simple resolutions. If such resolutions are utilized, I believe they should state as explicitly as possible the nature and purpose of any military action to be taken, and it should make absolutely clear that the resolution is an act of authorization, granting the President specific powers which he would not otherwise possess. This would at least restore some of the constitutional balance in our Government.

There are many issues which we as representatives should discuss. Some of them are:

First. Some limitation must be put on the President's discretion to take any action for the safety and protection of American troops. This is a gimmick that may be used to justify any action.

Second. Some decision must be made as to the limits of the Gulf of Tonkin resolution. Does it extend to the present situation in Cambodia?

Third. Is the strategy which prompted our expanded involvement into Cambodia a good strategy in the long run?

Fourth. Congress should be fully ap-

praised of the details which prompted our expanded involvement and the long run plans of the administration with regard to Southeast Asia. Did the Cambodian Government request our aid? It is ambiguous whether our involvement there was prompted by a desire to aid Cambodia, or to aid our efforts in Vietnam.

Fifth. It must be resolved whether or not the President can, through the treaty-making power, commit troops to fight a war and thereby bypass the constitutional provision for a congressional declaration of war. Only one House of Congress consents to treaties such as the SEATO pact.

It is time that we reassert our constitutional authority and show the President he cannot be chief of police, district attorney, judge and jury in foreign affairs. There should be consultation with the Congress as to whether the Congress and the people they represent will support an extension of military activity in a new theater of war. The American people deserve at least that; our Constitution requires it.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I support the Reid, Leggett, and Bingham amendments and if they are not adopted, I intend to vote against the entire authorization bill on final passage. The President is engaged in an unconstitutional action by having engaged in a war against Cambodia without a declaration of war by Congress. I intend to stand up and be counted in opposition to his illegal action and in support of the Constitution by my vote.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I appeal again for support of my amendment, which would extend the Reid amendment to North Vietnam as well as to Laos, Cambodia, and Thailand. I think the same prohibition should apply.

If the Leggett amendment to the Findley substitute should prevail, I will then offer my amendment to the Findley substitute as amended by the Leggett amendment, and there will be no debate on that.

I solicit your support to extend the restraints of the Reid amendment on the Leggett amendment to attacks on North Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, not being able to speak 300 words a minute, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. O'NEAL).

Mr. O'NEAL of Georgia. Mr. Chairman, I ask unanimous consent that I may yield my time to the gentleman from Florida (Mr. SIKES).

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. I object.

Mr. O'NEAL of Georgia. Mr. Chairman, I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I oppose the Reid and the Leggett amendments. When all the noise has abated and the demonstrations are ended, it will be found that the quiet, solid, dependable American public support the action of the President in Cambodia. They know that America's fighting men cannot afford to have Cambodia and its ports under the control of Communist forces. They know the lives and safety of American fighting men are at stake. They know we cannot afford to have our forces helpless against Communist build-ups and Communist thrusts directed at will from Cambodia into Vietnam. Here is an opportunity for a true exercise in responsibility by the House.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I oppose the President's action and support the Leggett amendment. I yield to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, I thank my friend from Illinois for yielding his time. It is ugly to discover that we are willing to sacrifice everything except our dinner hour in our zeal to commit—rather to let the President commit—thousands of men to go off to very dubious battle. So here we are, after a series of 30-second non-talks that no one listens to if they can help it, about to vote on proposals that affect the lives of countless men and women all over the world.

It is hard not to conclude that we are suffering from a kind of national schizophrenia. Surely we cannot all be talking about the same country—anyone who heard the oratory today can see that. For many of us, a majority of the speeches have reflected not the slightest awareness of what is going on around the country. But this national schizophrenia has done more than make it difficult to discuss things usefully. It has now brought us to the egregious tragedy of some of our young people in uniform shooting and killing others of our young people on a pleasant campus in the Middle West.

In this situation, do we not have to find a way to revive faith in the democratic process, to give people an example of integrity and lawfulness at the top level of government? Do not we have to find some framework that would make it possible for men of good sense who love this country to discuss disagreements and work out solutions that would ease divisions and not exacerbate them? In this connection I include in the RECORD at this point an editorial from the Detroit Free Press of Wednesday, May 6, 1970:

NIXON PLEDGED TO UNITE US, BUT HE TEARS NATION APART

As each day of the Cambodian war passes, it becomes more obvious that, in launching it, Mr. Nixon started or escalated three confrontations at home which may be harder to win than anything in Indochina.

He has also, of course, compounded his problems abroad. The Paris peace talks are

apparently dead. The SALT talks in Vienna are sorely endangered and the optimistically proposed Jakarta conference of Asian powers seems doomed. But the ones at home will have to be coped with before he can accomplish much in other areas.

His three confrontations are with Congress, where many feel that his decision was unwise but also unconstitutional; with millions of "middle Americans" who cannot see how expanding the war can contract it, or how increasing casualties can decrease them, or how killing students protects the right of dissent; and with the students across the land, newly reactivated and more determined than ever that Mr. Nixon's course must be altered.

Because of these three new crises of confrontation, which the President can add to his growing lists, we cannot help feeling a sense of deep despair. The country is as close to being torn apart as at any time we can remember, and the blame goes to the President who promised to bring us together. Americans are told to polarize themselves by Vice President Agnew, who was not moved from his careering course of half-truths and diatribes even by the death of four Kent State students. And the President asked us to lower our voices.

It is possible that each of these crises will disappear if the Cambodian invasion is swift and cheap and the people can be told it was a great success. But the roots are too deep for them to go away entirely. Mr. Nixon has started something.

On Capitol Hill, movement is always slow, but now it seems to be coalescing. The Senate Foreign Relations Committee, which is more than just Sen. Fulbright, is unanimous in calling the invasion unconstitutional. A bipartisan group of senators is proposing an end to all funds for the Indochinese war. There is even an occasional murmur of impeachment, stilled immediately by the realization that Mr. Agnew is No. 2.

In the nation at large, Mr. Nixon's middle Americans cannot dismiss the Kent State tragedy with the casualness of Mr. Agnew who blamed the students and the "smug purveyors of mockery and scorn." The four were average college kids from average backgrounds, gunned down for some reason by members of the National Guard.

They cannot accept the cavalier statement of the President that "when dissent turns to violence it invites tragedy." The violence was inexcusable, but the riot-trained guardsmen fired at random like the British troops at Boston.

The middle Americans must also be aware that the current wave of student strikes is not *against* universities, as they have been, but *with* universities. Thirty-seven prestigious college presidents are not under siege on their campuses, but are laying siege to the White House.

Finally, and in the long run possibly most important, Mr. Nixon has lost any remote chance of winning support from the young. The militant radicals have their martyrs, for which the nation will pay dearly. The less radical, the vast majority, are newly pledged to become more militant, not in the streets but in the headquarters of peace candidates, not in campus libraries but in congressional offices. While Mr. Agnew calls them "violent revolutionaries," Mr. Nixon calls them "bums."

The worst, and most damaging aspect of all this is that the President seems to have cut himself off from the outside world.

At a news conference at the White House, when press secretary Ronald Ziegler handed out Mr. Nixon's statement on Kent State, a reporter remarked that one reason young people are upset is that they feel the administration is not listening to them, but only calling them names. The reporter went

to say that Mr. Nixon had asked for a lowering of voices, and asked whether the time had come.

Mr. Ziegler replied that the President's position was clear and there was no more to be said on this point.

This, we sorely fear, is the truth.

The distinguished gentleman from California (Mr. McCLOSKEY) and I want to propose an amendment that would stop the expansion of American military operations in Indochina, an amendment that reads as follows:

"SEC. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance American military operations in Laos, Thailand, or Cambodia."

I believe that is the minimum position we must arrive at if we are to avoid the devastation of a worsening national schizophrenia. But whatever position we finally arrive at on these matters of war and peace—matters quite literally of life and death—the way we get there has become terribly important. The Findley amendment would add to the difficulties of that process and should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in support of the Reid and Leggett amendments. This is a sad commentary on the democratic process when more than 60 Members of the House of Representatives have somewhat less than 30 seconds to discuss the most important issue facing the American public today, the question of peace and war.

One only needs to observe the deliberations in the Chamber today to understand clearly and unequivocally why Americans, young and old, are losing faith in the American political institutions.

In the life of every man and indeed in the life of this body there comes a moment of truth, a moment when one must face the issues before us forthrightly without any deceptions.

I have been a critic of the war in Vietnam and I certainly disapprove of this administration's misadventure in Cambodia. However, I submit that the real issue before us is not our presence in the Far East but the fact that the Congress has been deprived of its constitutional obligation to pass on the issue of peace or war and the complete lack of candor with which the President manipulated American troops into Cambodia.

Weeks before the Cambodian operation the President, the Secretary of State, and the Secretary of Defense, said it would not happen; certainly not without the approval of Congress.

We believed, and the American public believed, when it was obvious to all concerned that when this administration was saying one thing, it was preparing to do another there was a tremendous uprising of voices from all quarters.

In response to this the administration has promised an 8-week operation and again attack all who question this policy as being unpatriotic.

What then should be our response? I for one do not think it part of my job

to help this administration perfect a fraud on the people I represent.

In light of this the Reid-Leggett are only designed to assist the President keep faith with the American public.

These amendments will not impede an 8-week Cambodian operation or even one for more than 1 year; for we are talking about fiscal 1971 funds.

If this administration means what it says about a July 1 withdrawal from Cambodia and if we mean what we say about the need to restore constitutional integrity to this body, then all of us ought to support these amendments.

Gentlemen, the moment of truth is here.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I think it may help all of us if we make reference to the exact wording of the Findley amendment.

A careful examination will show that while the Reid amendment provides that no part of the funds authorized by this bill are to be used to finance introduction of ground troops into Laos, Thailand, or Cambodia, the Findley substitute modifies the Reid amendment and adds the words "without the prior consent of the Congress" and then proceeds with the proviso in the nature of an exception which negates the Reid amendment and allows funds to be used "to the extent such is required, if determined by the President and if reported promptly to the Congress, to protect the lives of American troops remaining in South Vietnam."

Reflecting upon the meaning of the words of the substitute offered by the gentleman from Illinois it is clear and apparent that it modifies in several particulars the Reid amendment which completely bars the use of any funds for the use of ground troops in the three neighboring countries as follows: First, there must be prior consent of the Congress. This, I presume, would require a resolution or some type of affirmative action by the Congress. Who could ask for a greater safeguard than that? Second, funds authorized by this act can be used in the three countries that are neighbors to South Vietnam only to the extent that they are required which shall be solely at the determination for the President. Third, that the use of any funds in those three countries shall be reported promptly to the Congress. This proviso adds yet another safeguard in that not only is prior consent of the Congress necessary but there must be a prompt report by the President to the Congress of the amount of funds used as well as the extent of our involvement in these three countries, and fourth and finally, the most important proviso which is that even after consent and determination of what is required along with prompt reporting, none of the funds may be used except to protect the lives of American troops who remain in South Vietnam.

The most important content of the Findley substitute is the proviso that if any authorized funds are used in Laos,

Cambodia, or Thailand their use must be predicated upon the protection of our American troops who are in South Vietnam. There is no other grant of authority. This provision is very restrictive. We have listened this afternoon to a lot of talk about the prerogatives of the Chief Executive as Commander in Chief of the Armed Forces and how far he can go under the Constitution and what restraints can and should be imposed by Congress. In my view, this is not a bothersome constitutional question because we have ample precedents going back to the days of Thomas Jefferson when the Congress approved after the fact the use of military force to protect our American seamen on the high seas. There are numerous other instances in which the Congress has approved over the years, after the fact, the use of military might by the President without prior consent if the force was used to protect the lives of the members of the Armed Forces. Approval has even been granted after the fact to protect the lives and property of our citizens in foreign lands.

Thus the issue is not entirely a constitutional issue. It is certainly not a partisan issue. In reality the issue is not even whether we support the President in his efforts to deescalate the war and to continue withdrawals. For my part, I shall reserve the right to oppose the President on a variety of domestic issues perhaps even regularly and frequently, but I cannot subscribe to a course which will give the enemy aid and comfort from a country divided over its foreign military policy. Repeating, support of the President is only one of the purposes. The very gist of this amendment is first to prevent our unlimited involvement in the three countries named but without tying the President's hands to act if necessary to protect the lives of our American men "remaining" in Vietnam.

Remember, the Cambodian sanctuaries are 33 miles from our military headquarters and the site of our huge logistical stockpiles surrounding Saigon. I believe the President is sincere when he says that withdrawal of American troops will continue and that Vietnamization of the war is a hope which will materialize. But as the President said at the briefing Tuesday morning at the White House, in the last analysis South Vietnam must be defended by the South Vietnamese. If they fail it will be their failure.

Someone has said every Member can rationalize his own vote on these several amendments which would restrict the use of funds in Cambodia. For my part, I like to believe my stand is not based on a process of rationalization. I don't know exactly whether there are 5,000, 10,000, or 15,000 Missouri boys remaining in South Vietnam but as the troop withdrawals continue I want to be sure when most of the combat troops leave the remaining support element consisting of supply units, the ground installations for the Air Force, and the Navy logistical installations will not be swooped down upon and overrun from the heavy concentration of enemy forces moving from sanctuaries only 30 miles away from the place of embarkation whether by air or by sea.

Finally, as I read the wording of the amendment of the gentleman from Illinois it is entirely and completely consistent with the hope of Vietnamization. It is not only consistent with the policy of regular withdrawal of American troops but it is even a necessary adjunct to that policy in that those American military forces who remain the longest and which are the last to withdraw will be protected from action by the enemy originating from the nearby sanctuary just over the line in Cambodia. Protection of the lives of American servicemen is not rationalization. It is the most important objective any of us can support.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I rise in support of the Findley substitute which gives to the President of the United States no authority to do anything unless and until he makes a determination that whatever action he takes is in behalf of saving American lives of the troops remaining in South Vietnam. This he should do and this he says he has done. You may disagree with his action and that is every man's privilege, but can you really find it in your heart to impugn his motive; I cannot.

There is not an individual in this Chamber who knows anything about this matter except what he has read in the newspapers or that the President has said or has allowed him to be told. Nobody in this Chamber has the information the President of the United States has, nor we do not have the responsibility he has. For the sake of this country, I hope he has made the right decision. This I believe was the basis of his decision.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I have no hesitancy in opposing the various amendments that would restrict the President in the conduct of the war, except the Findley amendment. Even this substitute restricts the President except when he finds American lives are involved.

Frankly, I do not believe the country benefits from telling the enemy how far our troops can go. Circumstances change from day to day in ways we cannot anticipate in advance. Therefore, I intend to oppose all the amendments. This seems to be the best way we can show confidence in the efforts of the President to terminate this war.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, this is an old story. For 12 years I have listened to the alibis for Vietnam. In 1962 and in Vietnam I was told by General Harkins we would be out of there in 2 years. Admiral Felt told me the same thing. What we are now hearing today is a broken record. What is happening is a tragedy.

It seems to me this Congress really has to come to grips with the problem and get us out of Indochina. The Congressman from Massachusetts, "Tip" O'NEILL, most eloquently said it all. Anybody who represents a great uni-

versity can bear witness to what he has said.

Mr. Chairman, on Wednesday, April 29, it was reported that the Nixon administration had committed approximately 100 U.S. advisers and several divisions of South Vietnamese—ARVN—troops across the South Vietnamese border into Cambodia. Late Thursday evening, it was reported that the Nixon administration had committed 2,000 U.S. ground combat troops to this mission. On Saturday, May 2, it was disclosed that the United States had resumed bombing of North Vietnam. None of these actions had the approval of Congress. According to my best information, the Congress was not even informed of these ill-advised and far-reaching decisions until they were undertaken.

As soon as I was informed of the initial commitment of U.S. advisers in Cambodia, I immediately perceived the folly in this course of action. On Thursday, I introduced a resolution forbidding the President to send ground troops into Cambodia. It was after this action, that I learned that the President announced he had already committed U.S. ground troops to this effort.

The President, through his power as Commander in Chief, has taken upon himself the responsibility for engaging in a most dangerous course of action. He did so without consulting or even informing the Congress. He did not even bother to inform those committees charged with the responsibility for foreign policy. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I was certainly not informed that such preparations were being considered, much less implemented. As a matter of fact, Secretary Rogers led us to believe it would not happen.

It was just within the last 2 weeks, that I had the opportunity of questioning, in subcommittee, the Secretary of State about our present and future commitment in Southeast Asia. Although much of that dialog has not been released, I did conclude that the administration's policy was to liquidate our military commitment. Instead we are now faced with a new escalation of this war.

I was nonplussed by the news of this incredible new venture. Now, since learning of the President's decision to commit more U.S. ground troops to this effort, I cannot hide my revulsion and express my opposition in the strongest terms possible.

On Friday, President Nixon gave his ex post facto rationale for this new escalation. First, the move was justified as an effort to "protect" American soldiers in South Vietnam. The President neglected to mention that the goal of his plan for withdrawal, "Vietnamization," rests on the assumption that the South Vietnamese army—ARVN—is able to assume the role of protector. Now we are told that ARVN is not capable of this responsibility and needs U.S. advisers, air power, and when you get down to the "nitty gritty," U.S. combat troops. This is the same quagmire President Johnson walked into. I do not intend to sup-

port President Nixon's revival of this basically unrealistic and unattainable commitment.

There are other factors about this decision that must be kept in a clear perspective. The initial justification for our large scale manpower commitment was the infiltration of North Vietnam regulars into South Vietnam. Our position has been justified by the sanctity of borders principle. Now President Nixon violated the Cambodia border—yes, his actions can constitute nothing less than an intrusion constituting an invasion of Cambodia. This flies in the face of logic. This action cannot be justified by the simple expedient of saying, as the President in essence has said: "The North Vietnamese did, so why can't we." This Nation is now on the brink of precipitating an Indochina war. I will not lend legislative support to this action. As a matter of national conscience this action should not be tolerated by the Legislature.

It is important to analyze the underlying assumptions in the President's unconvincing rationale. Hidden within the President's message is the assumption that this new version of a search and destroy mission will perform the following functions: It will sever supply lines; it will destroy the North Vietnamese command post—COSVN; it will destroy the North Vietnamese forces in Cambodia; and all of these actions will force the North Vietnamese to negotiate. Past experience with search and destroy efforts, and the limited information available at the time, suggest they are in error. First, supply lines can be disrupted by such a foray, but given the terrain and the primitive nature of North Vietnamese supply lines, it is impossible to cut off supplies.

Second, the assumption of "headquarters" in terms of a hardened installation is patently not applicable to this type of guerrilla war. Indeed the difficulty of the U.S. lead assault to uncover these headquarters confirms this analyses. Third, all indications of contact with the enemy suggest that the North Vietnamese had evacuated the area many days before the assault. Thus the conclusion that this action will force Hanoi to negotiate is incredibly naive.

Given the untenable nature of these assumptions, it is all too painfully apparent that the President has acted recklessly—

He has acted without the advice and consent of Congress.

He has acted in a manner that threatens to engage the United States in an Indochina war.

He has acted without the support of the American people.

The dangers of this military adventure can and will culminate in a general Indochina war. This spectre is given increased credence when some of our commanders in the field are reportedly asking for authority to go into eastern Laos.

After analyzing these developments, I am publicly calling for removal of U.S. troops from Cambodia, immediately.

In addition, the unilateral action of the President has reaffirmed the validity of my position on Southeast Asia—we

must liquidate our direct military personnel commitment in Southeast Asia. We must end our participation in this war.

These actions by the President have reinforced my objections to the Nixon plan for ending our participation in the war. I feel that our troops—all of our troops—must be withdrawn from Southeast Asia on a fixed and orderly schedule. The Nixon plan—if one can be said to exist—assumes a future commitment of 200,000 “advisers and support personnel,” after our ground combat troops are withdrawn in 1971. The action of the last few days shows the inherent danger of keeping a large U.S. personnel commitment in Southeast Asia. There will always be pressure for “one last blow,” “the crucial military action,” “the surgical thrust.” Without our troops, the Government of South Vietnam will be forced to attempt to secure a just peace.

We must remember that this conflict is essentially a civil war. Those that suffer the horrors and privation of this conflict are peasants, women, and children, not to speak of the American families and friends of slain and maimed American soldiers. For what reason? I believe the havoc that we have wrought both in South Vietnam and in our own country is not worth the continuation of this effort.

By the orderly and systematic withdrawal of all our troops, we will force Saigon to seek its own peace. On numerous occasions I have called for Saigon to broaden its base, to provide the leadership necessary for the South Vietnamese army to bear the burden of this conflict, and to take the leadership in negotiations. They must assume their burden in their conflict.

I continue to believe that the United States has a moral responsibility to provide economic assistance to the nations that we have ravaged, but I do not think we have the right or the obligation to dictate to other nations the sort of political or governmental system they should have.

By withdrawing our troops we can turn our energies to help Vietnam rebuild, and more importantly, concentrate our efforts on the problems that are fracturing our society.

President Nixon has repeatedly refused sole blame for the Vietnam conflict—and rightly so. This is a conflict of many years—transgressing politics and political administrations. However, this recent military operation in Cambodia is now Mr. Nixon's responsibility—it is now Mr. Nixon's war and it must be ended. By our actions today we can persuade him to reverse his course and really liquidate the war that has to be among the greatest tragedies in our short national history.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I previously stated I was in favor of the Leggett amendment. I say now weighing in the balance, the polarization, the division of our young people and our college students, our people altogether—against any possible benefits from the invasion of Cambodia. I say our Nation

is a loser. The destruction of our unity as a people is taking place. Let us stop it by getting out of Cambodia first and Vietnam second.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of the Findley amendment.

Mr. Chairman, as with all Americans who listened to the President last Thursday when he spoke on television, I experienced qualms. Who was not fearful that this action of sending American forces to clean up enemy sanctuaries across the Cambodian border to save our troops in South Vietnam from Vietcong attack?

Since that television talk I have been briefed by the State Department and the military. My qualms have not disappeared. However, I have become convinced that this action will not expand the war. I am convinced this action may not only increase the security of our forces but also may indeed assist in Vietnamizing South Vietnam. It may well shorten the war.

It seems to me the Findley amendment, if adopted, will satisfy many of us who oppose sending troops into Cambodia without approval of Congress; and yet it will not prevent our Commander in Chief from taking steps, such as search and destroy, to protect U.S. lives.

I do not want to tie the hands of the Commander in Chief. I have confidence in President Nixon. He is phasing out the war. He is reducing the number of Americans in Southeast Asia. On Monday I wrote the President and told Mr. Nixon he had made a difficult decision and a courageous one, on information best available to him. I told him of my support.

So, Mr. Chairman, while, as I said, I had qualms, and still have, while there are risks involved, including risks of violence and protest at home, I believe we should stand with our leader, President Nixon, today; and therefore I support the Findley amendment. This will authorize protecting the lives of American troops within South Vietnam, but limit use of combat troops without consent of Congress in Laos, Thailand, or Cambodia.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in an attempt to clarify some of the ambiguities in the debate on the Findley amendment.

Mr. Chairman, contrary to the view others have expressed today, the term “prior consent of the Congress,” qualifying the use of ground troops according to the gentleman from Illinois, is not restricted to a declaration of war, but means formal approval by the Congress.

The proviso in the Findley amendment allowing Presidential action to protect American lives requires prompt reporting by the President to the Congress. This is legislating an implied power of Congress—an exercise of its power of oversight. The review contemplated is a formal, critical review of the judgment arrived at by the President of what con-

stitutes protection of the lives of American troops.

Like the Leggett amendment, the Findley amendment clearly says no to U.S. ground combat troops in Cambodia after July 1, 1970, without prior congressional consent.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. REID).

When the President went to Guam last year and put forth what became known as the Nixon doctrine regarding American military involvement in Asia, I believed he had profited from the experience of our past errors in Vietnam. I thought he had realized that our national security interests did not lie in prosecuting a major ground war in Indochina. I was mistaken, the President has not learned from history and has failed to properly define our national security interests in Southeast Asia.

For the incredulous invasion of Cambodia is a direct repudiation of the Nixon doctrine. The invasion of Cambodia by American forces has created a wider war which we now speak of as the Indochina war, and is hauntingly familiar to the scenario of past escalation in Vietnam.

What is remarkable is that the President has chosen to follow a path that he himself previously disavowed. In the fall of 1967 he openly opposed the very action he has now ordered. He was elected to office after promising the American people to achieve peace and to bring American men home. As recently as two weeks ago members of the Cabinet assured congressional committees that we would not send American men into Cambodia.

And then, in one grave, tragic error, the President dealt a major blow to the hope for peace that is shared by all Americans. In one step he undid what had been accomplished by limited, but welcome, withdrawals of American forces from Vietnam.

At the same time, the President has opened a “credibility gap” that gives him the undisputed championship in this area and makes any previous “gap” seem small.

The folly of the President's action is written into the designations given to the attacks upon Cambodia: Operation Total Victory Nos. 42 and 43. Whatever happened, Mr. Chairman, to Operation Total Victory No. 41? And is not the claim of total victory a contradiction of the President's own declaration that we do not seek military victory in Indochina?

What we have, then, is a grossly misguided policy based upon the following invalid and unacceptable assumptions:

That we seek to win a military victory against a massive guerrilla force, a policy already disavowed by the President.

That the corrupt, self-serving Vietnam Government is worth supporting at the expense of thousands of American lives.

That Vietnamization is working; obviously, these new strikes would not have been necessary had Vietnamization been a viable policy.

I reject all of these assumptions and the dangerous policy that follows from them. I reject the notion that the American people want more escalation to achieve an elusive peace, when we have found out time and again, with great losses of our men, that this simply does not work. I reject the premise that wider war equals peace in Indochina.

What, then, we must ask ourselves, can the Congress do to end this madness?

By all rights, we should direct the President to immediately end our military involvement in Cambodia and to bring all American forces home from Indochina. Such a course is, unfortunately, not available to us in this bill.

But we can deny the funds for the extension of the war. This is the purpose of the amendment offered by the gentleman from New York (Mr. RENN) and I am proud to stand and vote in support of this concept.

The Congress has the unquestioned authority and the clear responsibility to exercise our constitutional prerogative to deny the funds for an expansion of this war. At a time when we are confronted with great divisions among our fellow Americans, and at a time when vital domestic needs requiring a foremost priority are ignored, we must act to cut off the funds to wage more and bigger war in Indochina.

There is something else we can do at the earliest possible moment. We can, as I first proposed in March of 1968, repeal the Tonkin Gulf resolution. In that way Congress can reclaim our rightful role in the decisionmaking process. The Tonkin resolution gave away our constitutional prerogative regarding questions of war and peace in Southeast Asia and the time is long past due for us to reassert our proper role. The "imbalance of power" between the executive and legislative branches is, in large measure, a dereliction on the part of the Congress. By repealing the Tonkin Gulf resolution we can begin to put our House back in order.

Finally, I would like to quote, for the edification of our colleagues, the following news item I have just taken from the news ticker in the cloakroom:

VATICAN CITY.—Pope Paul VI today deplored the extension of the Southeast Asia conflict into Cambodia, saying this multiplied the number of victims and the suffering of people.

Pope Paul referred to Southeast Asia in an extemporaneous talk to a group of South Vietnamese attending the weekly public audience in St. Peter's Basilica.

"On seeing you here," the pontiff said, "how can one avoid thinking of the conflict which your beloved country has been suffering—a conflict whose extension which has taken place in the last few days threatens once again to multiply the burden of sufferings which it causes and at the same time multiply the number of victims."

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER.)

Mr. SCHEUER. Mr. Chairman, I rise in support of the Reid of New York amendment, the Leggett amendment, and the important Bingham amendment that would extend the Reid-Leggett prohibition to attack by air or by land in North Vietnam.

I find it very anomalous that this House could spend hours only a few weeks ago discussing legislation prohibiting the poisoning of young minds by unsolicited pornographic mail delivered into the home—legislation that may be unconstitutional and surely is redundant of existing Federal legislation and therefore unnecessary—yet when we talk about the poisoning of the minds and the hearts of all America, the poisoning of our reputation around the world, the poisoning of our ability to fight inflation and to build livable cities and create effective health, education, welfare, and job training and employment programs at home, we are each relegated to a 30-second discourse. We create an image of the House of Representatives at its most irrelevant, insensitive, and unresponsive. It does us no justice. I yield the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, in the name of protecting freedom, the freedom of debate has been cut off this afternoon. Therefore, we have cast a 5 o'clock shadow on the history of this Republic. If we succeed in bringing freedom to Asia, will they be allowed to speak longer than 30 seconds?

The gentleman from South Carolina says this involves no skin off his back. I believe that is right. It is true of everyone in this House. So far as I know no one has resigned from Congress to volunteer to back up an undying devotion to serve our country in someone else's country such as Vietnam or Cambodia. This being the case, I suggest that Members of Congress avoid being heroes on somebody else's time.

If I were a young kid in Vietnam today, I would hate to have someone save my life by sending me to a next-door war in Cambodia.

In 1970, Richard Nixon said, "We shall avoid a wider war."

In 1965 Lyndon Johnson said, "The United States seeks no wider war."

Truly, then, the "only thing we learn from history is that we do not learn from history."

There are too many people making history who have never read it.

And there are too many people making war who have never been in one.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I rise in support of the Leggett amendment. I concur with the views which have been set forth by my colleagues from New York and Florida (Mr. PIKE and Mr. FASCELL).

None of these amendments will have any practical effect. However, if we adopt the Findley amendment unamended the obvious conclusion is going to be that we are in support of the President's actions in Cambodia, and I cannot accept the view that the short term tactical military

benefits which we will gain are worth the enormous political price which is being paid and will be paid, not to speak of the serious escalation of the conflict.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the Leggett amendment knowing that it does not deal with the realities of the present Cambodian situation as fully as it should. But I feel that it is the strongest objection to the extension of the war in Vietnam into Cambodia that this House is considering today. And for that reason I will vote for it.

I have many concerns with the latest extension of the war. I will list some of them briefly because I have so little time. I might add that I am appalled that the House has voted to cut off further discussion of the crisis.

First, despite the President's declaration that the move in Cambodia was being taken to shorten the war, past escalations to shortcut the war have only immersed this Nation deeper in it. The President seems tied, despite his protestations to the contrary, to the mistakes of the past.

Second, I object to the administration's failure to consult Congress before embarking on a new phase of the war involving another country in Southeast Asia—particularly after administration spokesmen left the impression that a Cambodian operation was not even being contemplated.

I feel strongly that the risks involved in Cambodia go beyond those taken on the battlefield. We are further dividing the American people and diverting our attention from our most serious problems, the poverty and social isolation which exist in our society.

I do not believe that Americans can long withstand a national policy which permits the democratic process to be violated time and again with the easy rationale that only the President has all the facts.

He may have all the facts, but I question his interpretation.

I believe we here in Congress have the facts, enough of them to recognize a bad situation when we see one.

I intend to support all measures in this Congress designed to terminate our military involvement in Cambodia.

I also intend to support any and all measures which will restore to our Government the constitutional process of checks and balances so that Congress will be heard, in the name of the people, when our national interests are so deeply at stake.

I hope that my colleagues in this body will do the same.

And I hope that the President will see the wisdom of this course and lead our country to a better future.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the kids of this country may not be always right, but they are sure as heck not always wrong. I believe that much of their

advice on American foreign policy we should have taken some years ago.

There has been some question as to whether the Findley amendment is like the Tonkin Gulf resolution. I should like to read the operative language of the Tonkin Gulf resolution: "the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

I innocently voted for that, as did the whole membership of this House. We made a mistake.

The Findley amendment very innocently is unfortunately just like that. If we support it—it is a new Tonkin Gulf resolution.

I believe the President should be saved from himself. He said here just a few nights ago, as he moved into Cambodia:

Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam.

The President was wrong 2 or 3 days ago, and we are wrong to let him continue to do what he is doing.

He says he wants to get out of Cambodia by the 1st of July. By accepting my amendment and by accepting the Reid of New York amendment we will help the President do what he wants to do.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. FRIEDEL).

Mr. FRIEDEL. Mr. Chairman, I am in favor of the Leggett amendment and I am opposed to the Findley amendment.

Mr. Chairman, last week I spoke out on the bill before us today in specific reference to amendments offered to reduce or cut the fat out of the bill. Today, I rise again to endorse the amendment offered by the gentleman from California. As I said last week this bill is a proper vehicle to use in reevaluating or reorienting our national goals or priorities. The amendment of the gentleman will sharply bring this into focus. This body must act with resolution at this time. The predicament that we find ourselves in Southeast Asia must be stopped somewhere. Vietnamization that we have heard so much about over recent months is a public relations catch phrase in the face of the President's recent decision. This widening of the war further erodes any credibility the administration's stated plans may have had.

I have repeatedly advised representatives of the administration of my position against any further involvement in Southeast Asia and have asked weeks ago to be provided with the figures as to just how many men were committed.

Mr. Chairman, we have already wasted far too many of our precious sons in this war and have spent billions of dollars that could have been better spent at home and in our cities rather than to tear up jungle landscape with bombs and tanks.

As a Member of this House and a citizen, I would like to believe that the course that the President has embarked

on could be valid. In my judgment it is not. Our brave fighting forces who have been committed to this further extension of the war should be returned to South Vietnam and the administration must begin immediately to renew every effort to extricate our forces from this area of the world. The amendment I favor will give the President 9 weeks to get out of Cambodia. The amendment merely requires the President to consult with Congress and obtain its consent before conducting such operations after June 30, 1970. It would also have the effect of reasserting Congress constitutional responsibility regarding involvement of the United States in foreign wars.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, it has always been my belief that in matters pertaining to our foreign military involvements we should stand foursquare behind our President. I believe that we are obligated to give him every possible support that good conscience can allow.

We must assume that the President has access to all the facts which are available. We must assume that he has received the most expert advice that can be had. We must assume that the President is doing what he thinks best for our country based on those facts. In this topsy-turvy world you have to place your faith in something and someone. For me the "something" is my country and—under these circumstances—the "someone" is my President.

The President has made a difficult decision and one which is probably not popular when it had to be timed coincident with a period of unrest in our country as many others. I do not wish this country to become any further involved in Southeast Asia. In fact, I want to bring our boys safely home as quickly as possible. The action which the President has taken might just help in accomplishing this goal. I think too that if he had not taken this action, he could be jeopardizing the lives of those boys who must remain after the promised return of 150,000 troops by the end of this year.

If it is true that the enemy is holed up in Cambodia awaiting their chance to pounce on our troops at the opportune time; if it is true that the headquarters of enemy operations in South Vietnam are located there, then the President would be remiss in his responsibility not to eliminate those sanctuaries prior to any further troop withdrawals.

We have been told this is a short term operation and our troops will return in 6 to 8 weeks. We have been promised that this is no permanent involvement. Under these circumstances we should support the President in this crucial hour.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New York.

Mr. HANLEY. Mr. Chairman, the House of Representatives is about to conclude a lengthy debate on legislation

to authorize the Department of Defense to spend more than \$20 billion for the purchase of new weapons and research and development for even newer ones.

I intend to vote for the final passage of the bill. I am not pleased with the bill, and I am greatly disappointed in the House's performance in considering the merits of the many items contained in the bill.

I supported the great majority, but not all, of the amendments designed to reduce the total amount of funds authorized in the legislation. For example, I supported the various amendments designed to slow down the Defense Department's headlong rush to deploy antiballistic missiles.

I am shocked by the incredible cost overruns which have taken place on so many military programs. Waste and mismanagement are not taken as seriously as they should be. The House ought to provide for a 5 to 10 percent across-the-board reduction in the defense budget as a means of urging upon the Defense Department and its suppliers a sense of the concern which Congress has over the growing expenditures for national security. It is interesting to note that our colleagues who are defending this budget even against the most moderate of suggested reductions are the ones who constantly propose across-the-board reductions for needed domestic programs.

This is really the heart of the matter, the question of reordering national priorities. Nearly all Americans understand the need to be prepared to defend ourselves against other countries whose intentions toward the United States and other areas of the free world are ominous. I do not think that it is necessary for the United States to commit such a high percentage of its national wealth to build up armaments and weapons to accomplish our defense.

This is the point that really has to be understood, that there are needs in this country that must be attended to with the same urgency and the same sense of dedication as some have been applying in recent days to this defense procurement bill. Total and nearly blind commitment to each and every spending item requested by the Department of Defense is neither responsible nor prudent.

Consideration of this legislation is under the cloud of the enlargement of the Indochinese war.

The House today is thus, also conscientiously debating the issue of current involvement in Cambodia. The President has said that this military action which he initiated will assure the continuation of his announced disengagement and withdrawal in Cambodia would not extend beyond June 30. It appears to me that the Reid amendment would not interfere with the President's intent, yet it would assure against our trading a war in Vietnam for the same in Cambodia. The 6-week period prior to the contemplated monsoon period could thereby be utilized for the purpose of the military flushing action which we are advised is necessary to implement

the Vietnam disengagement program. I will support such an amendment.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, the history of our involvement in Southeast Asia and the nature of the military and political conflict there has brought many Americans to the conclusion that the objectives we set out to achieve are not possible by military means. The President himself has stated this on many occasions. I cannot believe that extension of the ground war in that area will result in either military victory or negotiated settlement.

It is self-destructive for us to continue to drain our Nation of young lives, economic strength, and national will in a futile effort to control the outcome of conflicts in politically unstable areas. We are rapidly diminishing our capacity to demonstrate to the world that democracy, a free economy, and free institutions are the best answer to the aspirations of mankind.

The conflict in Vietnam alone is already the second most expensive in our history in terms of dollars, and the fourth most costly in terms of lives lost. Yet, there has not been a declaration of war under the terms of the Constitution. The President's precipitate action in Cambodia and the covert operations in Laos were also initiated without the advice or consultation of the Congress. The Congress and the American people have a constitutional right to know exactly what commitment the President is making and the possible consequences of dramatic and dangerous shifts in strategic policy.

There is growing sentiment in Congress and elsewhere that the only effective way to resolve the question posed by our widening involvement in Southeast Asia is through a resolution for declaration of war. Because of the history of this conflict and the tragedy it has inflicted upon the people of Southeast Asia and our own Nation, I would vote against such a declaration. But the central issue is whether our Nation's destiny in a matter of such grave importance rests solely with the President, or whether the Congress shall exercise its constitutional prerogatives.

I am hopeful that this issue will be resolved soon. In the meantime, I intend to stand against all military authorizations and appropriations for expansion of the war and take whatever further actions I believe are necessary to bring this conflict to a proper conclusion through the orderly but irreversible withdrawal of U.S. forces from all of Southeast Asia. I support the Leggett and Reid amendments.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, this has been a sad week in American history. The invasion of Cambodia was carried out with an unnecessary amount of deception—not in deceiving the enemy, but in deceiving the

American people. The President announced that last Thursday night American troops were attacking the main Communist headquarters, but it has been a long night since last Thursday and the headquarters have not been found. Neither Congress nor the Cambodian Government were consulted, but this is not nearly as important as the fact that the war has been widened with the excuse that lives of Americans in Vietnam are being saved. The only way that lives can be saved is to get out of Vietnam and get on with the job of building America.

It has been a sad week on our college campuses. Frustrations, deception, lack of communication, and the incendiary and inflammatory language of high Government leaders have fueled massive discontent and uprisings. The shocking events at Kent State University are another manifestation of the sickness which has been produced by war, fear, falsehood, lack of communication, and lack of mutual understanding.

It has been a sad week in the Congress of the United States. This coordinate branch of Government, the representatives of people, the great communication link between millions of Americans and their Government, was brutally brushed aside for reasons known only to the Commander in Chief when he suddenly decided to invade Cambodia. Consultation proceeded after the fact. The late Senator Vandenberg used to say he wanted to be in on the takeoffs as well as the crash landings. It is not only pride in the legislative branch which prompts my remarks; it is a deep concern for the future of our representative system of government, and the failure of millions of disenfranchised people to have a voice in their Government. I fear for the United States of America under these circumstances. And here on the floor of this House, we must resort to a hurried and contrived effort on the pending bill even to have an opportunity to debate the situation in Vietnam and Cambodia.

Symbolic of the sickness in the House of Representatives is the manner in which we are handling the most important motion of the day—the motion to recommit. Cleverly contrived parliamentary tactics are utilized to insure that the Cambodian issue is not allowed to come to a record vote. A Member who has consistently supported the military authorization bill throughout the committee deliberations suddenly appears to preempt the sponsorship of the recommittal motion, solemnly declaring that he is opposed to the bill. The minority whip under questioning avers that he has seen the details of the recommittal motion but cannot set them forth or explain them. The amounts and significance of the various cuts in the recommittal motion will be hastily read in the House of Representatives, understood by few, debated or explained by none, and voted on in comparative ignorance. Then the bill will be voted on, without amendment, without substantial debate on what is centrally worrying the American people—Cambodia and the leadership of the House of Representatives will congratulate itself on having survived another

assault by those who wanted only to have freedom to debate a great issue.

Yes, Mr. Chairman, it has been a sad week in American history.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, regardless of the subject matter involved in the amendments pending before us at this time, most of the speeches we have heard on the floor today have been concerned with the recent action taken by our President in sending troops into Cambodia.

We have argued all aspects of this matter; whether he had the constitutional authority; whether the action would involve an expansion of the war; whether the action would cause misunderstanding throughout the world; whether it involved needless risk of the lives of American soldiers; whether it would delay bringing American boys home from Vietnam.

There is no question, Mr. Chairman, that debate and discussion is healthy and, in fact, necessary when we seek to reach our best collective judgment on a matter. We are confronted with a very difficult problem in this particular instance, however, and that is the fact that the President has already acted, as Commander in Chief of all the Armed Forces, in doing what he thought was in the best interest of our Nation and more particularly in the best interest of saving the lives of American soldiers. That he has acted is already an established fact. He has committed our troops to action. So our debate today, which normally would be considered healthy, is being followed word by word by our enemy in their attempt to determine whether or not the President has the backing and support of the American people.

There is little doubt that the debate raging today will encourage the enemy to put forth even greater resistance, Mr. Chairman. And the end result can only be loss of additional American lives. We all know this is not the intention of those of us who are engaging in this debate, but, by the same token, it was certainly not the intention of the President of the United States in taking the action he did to cause needless additional loss of American lives.

There is no question in my mind, and there should be no question in the minds of any Members of this House that the President did what he felt was necessary and essential, based on the information he had, to bring this war to the quickest conclusion possible with the least amount of loss of life. To reduce our support of his action would mean to reduce our support for American troops at the front who must carry out the orders of their Commander in Chief.

As I said before, the enemy is listening, Mr. Chairman. They are looking for encouragement for further resistance and aggression. We must make certain that they do not obtain it as a result of our discussion in areas of understandable disagreement.

We are all in accord that we want to

bring our boys home as quickly as possible.

We are all in accord that we want to bring about a lasting peace as quickly as possible.

We are all in accord that we want to stop the greedy and ruthless Communist aggression.

Since we are all in agreement, let us stand together as a nation and as a people at this hour while our boys are fighting in the frontlines under orders attempting to obtain this objective for us.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I yield to my distinguished colleague from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, it seems to me that really no amendment would be better than any amendment here, but of the three it seems to me that the Findley amendment is the better of the three.

The reason why I feel that way about it is that the President does have a plan of going in there and wiping out materiel, weapons, and ammunition. This has so far been very successful. It has not been reported in the press as having been very successful, but it has in fact been very successful.

If the President feels that American lives would be saved by doing this, then I think this is the thing we ought to do. I do not believe that we in the Congress can be the Commander in Chief. Our forefathers decided in the Constitution that responsibility and authority should rest in the hands of the President. I do not believe you can have a lot full of generals. We here in Congress are not equipped to direct tactical matters. You can make serious errors by going in various directions at the same time.

It would be wisdom for us to reject all of these amendments or take the Findley amendment, which is the one that seems to be more consistent with what the President has in mind of saving American lives in that area.

In approaching questions like this we should not bend to public opinion and to hysteria and to excitement but we should do our duty. It is not important whether we come back to Congress next time, but it is important whether our country will do what we should do in the field of international affairs. When we are called on by a small nation to assist them under a treaty which we set up with the idea of bringing about world peace, we should assist them. It is important that we do that, but it is not important that we come back here next time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I just want to say that for about 9 years I have made no statements on this floor concerning the Vietnam war. I felt, like all of you, a great many distressing moments. However, I belong neither to the far left nor the righteous right nor the muddled mid-

dle. I only belong to the people of this country, insofar as I am capable of serving them. I went along with the Gulf of Tonkin resolution. I made a mistake because I was told it was only to support the hand of this Government and the SEATO nations. That was not the case. However, having been stuck with that decision, I stayed with it. My father told me when I was a boy that when you are fooled once it is the other man's fault, if fooled the second time, it is your fault. I will not be fooled again.

I am opposed to sending American troops into Cambodia and will vote against any Defense Department request for funds that would be diverted for use in Cambodia. We Members adopted a seldom-used strategy, in that those opposed to the Cambodian invasion moved to stop further action on the Defense Department appropriation bill until the President explains his action in moving troops into Cambodia.

I remember my father's advice many years ago when he said, "when you start to explain it's bad already."

Many questions must be answered by the President, how can he justify what can be termed an invasion into Cambodia because it is a sanctuary for the Vietcong and North Vietnam when we did not invade North Vietnam, when it is the principal sanctuary of all enemy action. There is some question as to whether or not Cambodia can publicly approve American troops on its neutral soil.

It might be a good idea for the President and his advisers to reread Napoleon's march into Moscow, and his disastrous retreat. By moving into Cambodia we have opened ourselves up for future similar decisions as related to Laos, Thailand, and Burma—each of the areas have enemy action.

What is most dangerous is the President's view and belief that we must recommit ourselves to being the police action for the world and attempt to put out every brush fire, especially so in the unstable political and military situations in Southeast Asia and the Orient in general.

I personally do not intend to vote any money over and above what we need to extricate ourselves from a slow strangulation in Vietnam.

This vote will be taken after the authorization, when the appropriation bill is before us.

Mr. HELSTOSKI. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the Leggett and Reid amendments.

Mr. Chairman, the major disturbing and dissent-inspiring issue now before the American public is the extension of the undeclared war in the Far East to Cambodia.

It well appears that President Nixon may have jumped the United States into a raging fire that could bring undeclared foes of our Nation into a declared and warlike status to end the hopes of achieving peace in all areas of the world.

In my opinion it is a gamble that should not have been taken.

I do not want to appear unduly critical

of President Nixon's action and decision on Cambodia because I realize that he knows far more about the situation than any Member of Congress because of his own choosing—keeping us in the dark and not letting us know fully what is going on.

But I must question his decision and action into moving into Cambodia because of some recent events.

A key one was President Nixon's recent appearance before the American public over the airwaves when he lulled us into a hope that our involvement in Vietnam was nearing an end through his announced plans for withdrawing of 150,000 more American troops. Americans breathed somewhat easier after that announcement. They were shocked by what followed a few days later—an expansion of the war.

This exhibition on the part of the President might well be called cruel and inhumane. What prompted him to order an expansion of the war? Only the President can answer, and he is being far too vague for Members of Congress and the public at large.

President Nixon's Cambodian action has brought to me more public dissent than at any time in my 5 years in Congress. At this moment I have received more than 900 telegrams and letters critical of the President's action and just 15 messages supporting it. I have received many telephone calls at my office and home expressing dissent. There has been a steady flow of visitors to my office to place before me their opposition. These people of all ages have been orderly dissenters. It would seem that the silent majority is making itself heard, and I do hope that the President and his advisers are getting the message.

Another recent event that is disturbing to many is the overturn of the government in Cambodia. The head of state took a trip and during it was deposed and sent into involuntary exile at least for the moment. A regime, supposedly friendly to us, took over and now we are embarked on a new excursion into war. Did the Central Intelligence Agency direct or participate in the action.

The question is pertinent for it was more than rumored that a few years ago, the same CIA was an active participant in the overthrow of a South Vietnamese government that led us into great difficulties.

As some of President Nixon's predecessors might advise him the CIA is far from totally reliable in international situations. From the leaks that do come from this super-security agency it appears its failures outweigh its successes.

Thus, the President must be asked did he rely on the CIA in arriving at his decision? Or, did he rely on the advice of the military, some of which believe only in the bloody conquest of a foe? Or, was it a combination of the two—the many times faulty CIA and the military? The public is entitled to the answer.

In seeking a full explanation from President Nixon, we must also ask why he apparently ignored advice from key members of his Cabinet and others in the inner-circle of his administration who recommended against the invasion

of Cambodia. Who, it must be asked, is Mr. Nixon's alter ego who shares the Presidential decisionmaking to the exclusion of other officers and confidantes, and Members of Congress? We should know. The public should know.

Then, I have reason to believe that the President and his staff knew of the advice given by the minority leader of this body back on January 10, 1968. In a public declaration on that date the minority leader raised the point on the possible invasion of Cambodia by the United States and stated that no such step should be taken before consultation with Congress.

The minority leader's advice obviously went unheeded. Can any Member of this body or the Senate say they were consulted by President Nixon before he plunged us into Cambodia? I expect not.

We must provide President Nixon with a public forum to answer these and other questions regarding the situation in the Far East. We should not allow him to hide behind a canned address delivered to a nationwide television and radio audience such as took place when he announced hostilities were underway in Cambodia.

Thus, as I did on December 2, 1969, in this body, I again ask the leadership of the Congress to invite the President to appear before a joint session of Congress to discuss—not address—with us the situation in the Far East. In making that request last year, I stated:

It is my humble opinion that the President should place all of the facts in the Vietnam situation before us. He could appear before a joint session of Congress to set forth all of the facts and problems. If necessary it could be an executive or closed session. He could permit a stated number of questions to be asked of him. He might keep us apprised of developments by appearing before a joint session every 30 days. Through such a procedure, he would be helpful to us and we might be helpful to him.

For the President to decline such an invitation from the leadership would be unthinkable unless he wants to declare to the world that we are lesser of a democracy than Great Britain or more of a monarchy than Great Britain. As we all know, the Prime Minister of Britain appears frequently before his nation's House of Commons to answer questions—many of them—in regard to the actions and policies of his government.

As an example of other questions that might be asked of President Nixon, I hereby place in the RECORD the following newspaper column written by Mr. Josiah Lee Auspitz, president of the Ripon Society, a Republican research and policy group:

MR. NIXON'S WAR BRIEF LEFT OUT SOME DATA
(By Josiah Lee Auspitz)

The decision to go into Cambodia was doubtless presented to President Nixon as a low-risk venture, as a quick surgical operation.

American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

Mr. Nixon appears not to have adequately considered these factors:

1. The nature of the terrain. On the simple maps Mr. Nixon used in his talk, the

operation looks very easy, but, in fact, the terrain is heavily overgrown.

The area north of the Parrot's Beak is forest on both sides of the border. The Communist headquarters that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam.

Even if the sweeps do succeed in producing high body counts, they probably will not achieve their basic goal of improving permanently the American negotiating position.

2. Information flow. It is doubtful whether the President can get an independent estimate even of the success of the military operation.

The President in his speech made no mention of having independent means for evaluating this operation, nor has he taken public steps to punish dishonest reporting to the White House in the recent past.

Before preparing his white paper on Laos, for example, the President sent out special instructions to all U.S. military and civilian agencies involved to report on their past activities, public and private.

They returned to him misleading information and concealed from him American deaths in combat. On March 6, the President read to the public a misleading report on combat deaths.

When its falsity became apparent, Mr. Nixon had a credibility gap, but no disciplinary action was taken against the career officials whose secretiveness and insubordination undermined the institution of the Presidency.

3. Vietnamization. The areas adjacent to Cambodia (the Mekong Delta and Saigon), which the President now wants to protect, have already been turned over to the South Vietnamese for defense.

Indeed, the defense of the delta and Saigon by ARVN has been publicly hailed by the Administration as a sign of the success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these areas.

4. Within the Nixon administration two contradictory arguments seem to have been used to justify the Cambodian venture.

THE ARGUMENTS DON'T FIT

On the one hand, it was argued that the North Vietnamese would be too weak to counterattack (hence a golden opportunity to clean out their base camps).

On the other hand, it was asserted that Hanoi's forces were so strong that a failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew, and to a Communist takeover of all of the former French Indochina.

Both of these contradictory assumptions can be found in the President's television address, and they give one an uneasy feeling of unclear purpose.

5. Consequences for American democracy. Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee on Monday, April 27, but gave it no making any new commitment of American forces.

He did, indeed, appear before that committee on Monday, April 27, but gave it no clear notice of the ARVN invasion of Cambodia on the following Wednesday, or the American search and destroy operation on Thursday.

One could, of course, conclude that the Cambodian operation was decided on after his meeting with the Foreign Relations Committee, but the logistical preparation for the operation appears to have begun at least 10 days in advance.

This means that it was planned at the time Mr. Nixon delivered his Vietnam troop withdrawal speech of April 20.

The American public and Congress can deduce what they will—either the Administration was precipitous in its planning of the operation, or it was a case of duplicity.

6. The economy. In March 1968, before President Johnson's withdrawal, European investors lost confidence in the dollar as a result of rumors of Vietnam escalation. An international financial crisis ensued.

It was ended when the United States negotiated a two-tier price system for gold and gave assurances to European central bankers on the future course of the American economy. A prolonged American presence in Cambodia could produce a new crisis of confidence.

7. The global perspective. The overriding defect in the President's three speeches on Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy.

The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

The great danger is rather that like other search and destroy operations for this very same target, this one will prove to be inconclusive: that other countries will enter the fray, and that the President will be drawn in still deeper.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I am sorry that today there have been many political overtones. This is truly regrettable. As a Member of the Congress privileged over a period of many years in the past to attend leadership meetings at the White House, I want to say that when I went to the White House and heard President Jack Kennedy say that he was in trouble, I looked upon him as my President, not a Republican or a Democrat. He simply was my President. He was the President of all of the people of the United States. When I heard Lyndon B. Johnson say before the combined leadership of the Senate and the House, "I am in trouble and so is the country," I did not look at him as a Democrat President. He, too, was the President of all of the people of the United States.

Today, the situation has repeated itself. Today, we have a President of the United States, Mr. Nixon, who faces difficulty, and it seems to me that as loyal Americans we should help him out of the difficult situation he finds himself in at this particular time. I am a little amazed and surprised that more Members of this House have not stood up on the floor in an earnest and sincere effort and say "let us help get out of this difficulty for the benefit of the youngsters of America today who are confronted with the realities of the war in Vietnam."

We can and will get out of Vietnam. The President has said we will do so. This is an absolutely essential action the President has taken in Cambodia.

It is an action he has been forced to take in order to continue the orderly withdrawal of troops from Vietnam.

Let us assist him in this purpose and objective—it is our President's solution to the dilemma he has inherited.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I support President Nixon's move to destroy the base supply dumps of the enemy in the sanctuaries of Cambodia. It is now known that the Cambodia action was in no sense an escalation. It was for one purpose only—to destroy large quantities of rice and warmaking equipment.

The mission has been a great success. Storehouses of guns and ammunition have been captured or destroyed. Enough rice was destroyed to feed a sizable army.

This all means many American lives have been saved.

All U.S. forces in Cambodia will be withdrawn within about 6 weeks.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, we have under consideration today three basic amendments which have, as their express purpose, a limitation on the commitment of Federal appropriations to finance U.S. ground combat troops into Laos, Cambodia, or Thailand.

The differences between these amendments is, in my judgment, minimal; however, it is my intent to support the so-called Findley amendment because it contains the kind of flexibility that would be required to protect the lives of American fighting men. The language in the Findley amendment is clear and it speaks for itself. However, to focus the attention of the House on that language, I believe it is worth repeating in its full content.

The Findley amendment reads as follows:

In line with the expressed intention of the President of the United States, none of the funds authorized by this Act shall be used to finance the introduction of American ground troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

Some have held that the language of this amendment is "too broad a grant of power that should properly be reserved to the Congress." But, as the gentleman from Illinois (Mr. FINDLEY) has pointed out—it grants no power whatever. Instead, it establishes the kind of guidelines that are required for both the President and the Congress.

I frankly believe these guidelines are consistent with the Vietnamization program that, from all reliable reports, is on schedule and succeeding. In addition, the Findley amendment recognizes the President's unquestioned duty as Commander in Chief to act responsibly and with dispatch in emergencies adversely affecting the lives and safety of American troops when threatened.

It is incumbent on every Member of Congress to carefully consider and then act constructively on the measures advanced here today which, we earnestly hope and pray, will contribute to a just and honorable peace in Vietnam.

A united America will succeed, but a divided America will fail both at home and abroad. Therefore, I ask support for the policies and guidelines expressed in the Findley amendment.

Mr. COHELAN. Mr. Chairman, I am unalterably opposed to the Findley amendment. This amendment is nothing less than the abnegation of the role of the Congress as a coequal hand in constructing our foreign policy.

Elsewhere, Mr. Chairman, I have stated my rejection of the Nixon expansion of the war into Cambodia. The assumptions and far-reaching implications of this unilateral decision has led me to conclude that the President has erred in his judgment. Elsewhere I have given my analysis of the situation.

We, as representatives of the people, have the duty and the obligation to make our own independent analysis of this Presidential decision. I have done this and I have concluded that the President has grievously erred. The New York Times indicates there was confusion within the administration. Can it be true that this is "General" Mitchell's policy and not that of the Secretaries of State and Defense?

Given this state of affairs, how can this Chamber act responsibly merely accepting the President's limp rationale that our troops were threatened. Were they not threatened last year or the year before? Why was no action taken then? Where is the highly lauded Vietnamization fighting force? Why must we commit U.S. ground troops? What can be accomplished? All of these questions have a familiar ring, their response is predictable: we will be bombarded with statistics, disclosures of weapon seizures, perhaps even with news of the destruction of a central headquarters. The real result is more tangible: many died and many wounded, claims of successes followed by the discovery that the North Vietnamese have returned and, more frighteningly, that the United States has acquired a new commitment.

Mr. Chairman, we must stop this madness now. The President has erred, the American people do not want an expanded war. The American people want this conflict terminated. Support for the Findley amendment is a new Gulf of Tonkin. It provides a new legislative basis for the President to chase that illusive victory that has so ravaged Southeast Asia and threatens to disembrace our own society. This insanity must end.

We must vote down the Findley amendment. The President cannot delay his pledge to end the war with the old refrain "just one more try." This Nation is sick over this conflict, it must not be expanded. The President is in serious error, the Congress must rectify this error. We must act now to defeat this amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of H.R. 17123. I do so because I am deeply concerned about the growing military capability of the Soviet Union coupled with their unrenounced purpose of world domination. More than 50 years have passed since communism was established in Russia. They have not lifted the Iron Curtain. They have not joined the family of nations.

The Soviet Union is on the verge of

passing the United States in military power. I do not intend to repeat comparative figures already given showing land, sea, and air powers.

Today I wish to direct my remarks to nuclear-propelled naval vessels of several types. The information contained in my remarks is contained in various hearings and reports of the Joint Committee on Atomic Energy.

The Joint Committee in hearings earlier this year reviewed the status of the naval nuclear propulsion program with particular regard to the advancements made by the Soviets in their nuclear submarine program. On the basis of this review, the committee believes that the U.S. naval reactors program, considered in its entirety, has achieved remarkable results in the field of submarines and surface warships. It continues to provide effective and reliable power reactors for both defense and peaceful uses of atomic energy all of which directly benefit our national well-being.

The classified testimony received by this committee confirms that tremendous resources continue to be applied by the Soviet Union to submarine design, construction, and operation. According to unclassified data, the Soviets now have a force of about 350 submarines, all of which were built since World War II. More than 70 of these are nuclear powered.

The United States has 146 operational submarines, 87 of which are nuclear powered and the remainder diesel powered. Most of the diesel units are of pre-World War II vintage. In total numbers the Soviets have an advantage of 350 to 146. What is even more disturbing is that the numerical lead in nuclear submarines, so long enjoyed by the United States is rapidly vanishing. We could lose it within 2 years, considering the large-scale construction program underway in the Soviet Union.

In the case of ballistic missile submarines, the Soviets have assigned top priority to surpassing our U.S. Polaris fleet. They are building nuclear-powered submarines similar to our Polaris types at a rate which will equal our fleet of 41 by 1973 or 1974. We can assume that already these submarines are patrolling the ocean—each with its 16 ballistic missiles targeted on U.S. cities.

The Soviets have also introduced a number of new design nuclear submarines having a wide variety of capabilities. They have made large-scale commitments to submarine design, development, and construction that far surpass our efforts in the United States. Unless we continue to move ahead in submarine propulsion plant development, the United States may well find that in future years it will be as far behind in quality of submarines as it is today in numbers.

In light of these considerations, the Joint Committee strongly supports a continuing nuclear submarine construction program which should include as a minimum this fiscal year, authorization of funds necessary to complete three high-speed SSN 688 class nuclear attack submarines and advance funding for two more. In this regard the committee

wishes to express its deep concern over the continued delay by the Department of Defense in assigning to the SSN 688 class the highest industrial priority.

The Congress has consistently supported a vigorous submarine construction program because of the vital part it plays in countering the Soviet submarine threat. The urgency of this program has not diminished and the Department of Defense should take prompt action to assign to the SSN 688 class the high priority it clearly deserves.

The Joint Committee, in addition to urging the support of a vigorous nuclear submarine development and construction program, wishes to commend to the Congress a strong nuclear surface warship development and construction program. As the United States continues to reduce its overseas bases and to lay up overage ships, and as the Soviet capabilities at sea continue to accelerate, the need for nuclear-powered warships in our fleet is of increasing importance.

The nuclear-powered attack carrier and nuclear frigate programs are of vital importance to provide the mobility and tactical flexibility needed in our naval striking forces. Secretary of Defense Laird summarized the importance of nuclear-powered surface striking forces at the keel laying of the nuclear frigate *California* on January 23, 1970, as follows:

What we are doing here today is to begin a vitally needed and continuing program of ship construction to improve the Navy of the United States. We are building nuclear-powered frigates for the Navy of the 1970's, the 1980's and the 1990's. . . .

The *California* will be equipped with anti-submarine (and anti-air and anti-surface weapons. These will enable her to operate, either independently or in concert with other units, and in any or all of these important roles.

As an escort to nuclear aircraft carriers of the present and future, the *California* and her successors which have been authorized by the Congress will greatly extend the range of attack carrier striking forces throughout the world.

The additional radius of action which the *California* and her successors will provide to meet naval forces will be of great value to the defense of our country and the defense of our allies. This is particularly important as we face the inescapable reality of what the Soviet Navy is doing in expanding seapower throughout the world. The Soviet Navy is now second in power only to our own.

Mr. DONOHUE. Mr. Chairman, I intend to support and I urge the adoption, without any weakening substitute, of this pending amendment proposing to withhold, in line with the expressed intention of the President, any use of funds being authorized under this procurement act, to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia, without the prior consent of Congress. I most earnestly hope, Mr. Chairman, that this amendment can and will be adopted and approvingly decided without recourse to political partisanship, or question of the motives of any Member of the Congress or the President of the United States.

We all know that the President of

the United States has many and great agonizing burdens in his office with which we sympathize, but we must also be mindful of our own legislative responsibilities. Because of that high legislative responsibility and duty I am impelled to hold very grave doubts about the wisdom and judgment of the President's very recent action in ordering the participation of American ground combat troops in the invasion of Cambodia which, thereby, widens our military involvement in southeast Asia. Many authorities believe this military order of the President, as the Commander in Chief, of our Armed Forces, to be contrary to the wishes of the great majority of American citizens and an unwarranted projection of the power of the President, as our military Commander in Chief, without the prior consent of the Congress.

Mr. Chairman, some 5 years ago we entered Vietnam to engage in a "limited war." More recently it was understood that we were unalterably committed to the actual carrying out of such limitation by a scheduled and orderly withdrawal of American military forces in Vietnam. This sudden and unexpected entry of American ground troops into Cambodia can hardly be conceived as consistent with our limited engagement and troop withdrawal objective.

Unfortunately, little, if any, reason has been revealed to indicate that the Vietnam war can be ended by these current military actions in Cambodia, which cannot affect infiltration by the sea, through Laos, or across the demilitarized zone. Unfortunately there is little or no evidence, from past experience, that would tend to indicate that the Cambodian sanctuary can be effectively destroyed. On the contrary it is quite clear, from the record, that similar bases have been repeatedly cleaned out within South Vietnam only to have the enemy resume their military activities as soon as American and South Vietnamese troops had withdrawn.

If reasonable prediction of the future can be made by reviewing our unfortunate experience in the past we are forced to conclude that, however well meaning, the objective of eliminating Cambodia as an enemy sanctuary cannot be lastingly accomplished and most likely will involve us in an indefinitely prolonged military entrapment as dangerous and as tragic as that which has already been encountered in South Vietnam.

Any objective evaluation of the circumstance surrounding this Cambodia invasion by American ground troops appears to emphatically indicate that it is unwarranted, untimely, and unwise; it does not tend to advance the best interest of this Nation and our people either abroad or at home.

Mr. Chairman, I very deeply believe that the sincere desire of the President, the Congress, and the people of the United States is to bring about the complete withdrawal of our troops and the end of the Vietnam war as quickly as possible. The President and the Congress share the obligation to respond to the American people in this tragic hour. The President cannot and ought not at-

tempt to conduct a military venture of this nature and magnitude alone without reference to, consultation with, and approval by the Congress.

I think our basic challenge here is whether or not, under our system of government, the President and the Congress can now work together to achieve the priority objective of our country today which is, to end the war, restore peace, and regain our unity as a people. This amendment, and I again urge its approval without any diluting language, is designed to demonstrate that the Congress will accept its separate responsibility in the commitment and involvement of American armed services in any substantial military operation. I hope that the Chief Executive will accept our legislative gesture in the wholesome spirit in which it is intended and that this congressional action will bring us together for our common purpose of restoring peace in the world and unity in our land.

Mr. KEITH. Mr. Chairman, I am voting today in favor of the amendment of the gentleman from California (Mr. LEGGETT) which would prohibit funds authorized by this act from being used to commit ground combat troops in Cambodia, Thailand, or Laos without the express consent of Congress. This vote would not bring to a halt the current operation in Cambodia which the President has promised to terminate in a few weeks. Rather, it would assert the right of Congress to define the limits of intervention and the extent of national commitments.

By this vote I am not attempting to register dissatisfaction with the pace of the President's Vietnamization policy. In my view, he is correct in insisting on a gradual withdrawal. Our presence over the years in South Vietnam has created certain conditions and obligations which preclude any immediate disengagement. The least we owe those South Vietnamese who have staked their lives and livelihoods on our promises is a fighting chance to organize for their own defense.

However, Mr. Chairman, by supporting this amendment, I hope to indicate that the Congress insists that the announced plan for withdrawal must be pursued. We must make it clear to the Nation and the President that expansion of the war to neighboring countries at least under the circumstances as we believe them to be, is not an acceptable means of ending the war. No matter how many search-and-destroy missions we undertake, I doubt that the losses inflicted on the enemy will outweigh the grave risks inherent in escalation. Indeed, an expansion of the conflict could precipitate the collapse of the Lon Nol regime. Such a development could be infinitely more serious than the continued existence of Vietcong staging areas in eastern Cambodia or elsewhere in Indochina. In any case no steps of such a serious nature should be undertaken without the advice and consent of Congress.

Mr. Chairman, our Nation is once more deeply divided and the efficacy and responsiveness of our democratic institutions are beginning to be brought into question. At such a time of domestic crisis and at such a crucial point in the

conduct of our foreign affairs, we have a responsibility to insist on our constitutional right to provide broad guidelines for our policy abroad. Congress should make it clear that we will allow no expansion of this conflict without our consent. Let us get on with the process of Vietnamization and withdrawal and, hopefully, with the establishment of a lasting peace.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, the hour of decision is about to come upon us. The first amendment to be voted on, as I understand it, will be the Leggett amendment. The Bingham amendment may, initially, but the first amendment of significance I understand involving the debate we have had here is the Leggett amendment.

Mr. Chairman, the Leggett amendment, there is no doubt whatsoever, if adopted, will hamstring the efforts of the President of the United States to achieve success in our program to withdraw American forces from Vietnam.

Now, each one of us can rationalize our vote as we see fit. But I think we have a deeper responsibility and that is not to hamstring a program of the President of the United States to withdraw American forces. The Leggett amendment, if adopted, would do that. The Reid amendment, if adopted, would do that. The best of the alternatives is the Findley amendment, and I hope it is approved.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, the gentleman from Michigan (Mr. GERALD R. FORD) has stated the manner in which the votes on the various amendments will come. First, will be the vote on the Bingham amendment, then the Leggett amendment, and then will come the Findley amendment. After the Findley amendment passes there will be no remaining amendment on this particular subject.

Now, Mr. Chairman, the President of the United States has accepted the Findley amendment. He says he will accept it. Personally, I do not want it. I do not think his hands should be tied. I do not think he is doing the right thing. He said, however, he is not interested in numbers; he is interested in installations to protect the flanks of our troops.

Someone has said that we have not had enough debate on this subject and that we should not limit debate. Now, Mr. Chairman, all I can say is that I have tried to be patient and have been patient. I have asked for unanimous consent all afternoon to close the debate on these amendments. Yet, we have had over 5 hours of debate on this one amendment and the amendments thereto. We could stay here until kingdom come and some people still would not want to vote. The House, by a vote of 147 to 82, limited the time of debate. How more democratic can you get? So, I have no apologies about the limitation of debate.

Now let us vote and get this thing over with one way or the other.

The CHAIRMAN. The hour of 5 o'clock having arrived, the question is on the

amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment offered by the gentleman from New York (Mr. REID).

Mr. BINGHAM. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BINGHAM and Mr. RIVERS.

The Committee divided; and the tellers reported that there were—ayes 70, noes 232.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY).

Mr. LEGGETT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The committee divided, and the tellers reported that there were—ayes 132, noes 215.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY) for the amendment offered by the gentleman from New York (Mr. REID).

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN to the amendment offered by Mr. FINDLEY in the nature of a substitute for the amendment offered by Mr. REID of New York:

After section 403, strike out all the language of the Finley amendment and insert the following:

"None of the funds authorized to be appropriated by the Act shall be used in a manner inconsistent with the following purposes:

"American troop withdrawals from Vietnam shall continue expeditiously, in line with the expressed intent of the President, and every effort shall be made to achieve an early end to the conflict in Vietnam through negotiations.

"Consistent with the national interest, the President shall avoid enlarging the present conflict into the neighboring states of Cambodia, Laos and Thailand."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY) for the amendment offered by the gentleman from New York (Mr. REID).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FRELINGHUYSEN and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 140, noes 172.

So the amendment to the substitute amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY), to the amendment of the gentleman from New York (Mr. REID).

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 171, noes 144.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID), as amended by the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BURTON of California. Mr. Chairman, will the Chair clarify for the Members the question before the House?

The CHAIRMAN. The Chair will state that the question is on the amendment offered by the gentleman from New York (Mr. REID) as amended by the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

Tellers were ordered, and the Chairman appointed as tellers Mr. FINDLEY and Mr. LEGGETT.

PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON of Georgia. Mr. Chairman, if this amendment is defeated, is there then no restriction whatsoever on the President with regard to the bill?

The CHAIRMAN. The Chair will state that if this amendment is defeated, all amendments relating to that subject matter will have been rejected.

The Committee divided, and the tellers reported that there were—ayes 32, noes 221.

So the amendment was rejected.

Mr. RIVERS. Mr. Chairman, I wonder if we can agree on a time for a final vote on the bill and all amendments thereto. I ask unanimous consent that all debate on the bill and all amendments thereto close at 7 o'clock.

Mr. EVANS of Colorado. Mr. Chairman, I object.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the bill and all amendments to the bill close at 7 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California:

On page 2, preceding line 20, insert the following: Change the period to a semicolon and add the following: "and *Provided further*, that the funds authorized herein for the construction and conversion of naval vessels shall be equally distributed between the Atlantic, Pacific, and Gulf Coast shipyards unless the President determines that another distribution will maintain shipyards in each of the areas adequate to meet the requirements of national defense."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of the amendment.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me for a parliamentary inquiry?

Mr. ANDERSON of California. Yes; if it is a parliamentary inquiry.

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. Under the limitation of debate imposed by the House, a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?

The CHAIRMAN. The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments.

Mr. STRATTON. I thank the Chair.

The CHAIRMAN. The gentleman from California is recognized.

Mr. ANDERSON of California. Mr. Chairman, I have an amendment at the desk.

The amendment I offer incorporates the spreading of our shipbuilding program, a position which was adopted by the House last year in the military procurement authorization. However, this extends it to the entire shipbuilding program.

Last week we adopted the amendment offered by the gentleman from New Hampshire that relates specifically to the construction of the DD 963-class destroyer.

The intent of these provisions is to give an added boost to our sagging shipbuilding industry. To quote the committee report of last year:

Putting all of the ships into one yard leaves other yards without orders, and with a difficult task of making up the uncompensated costs of their proposals out of clear profits on other work.

In addition, by spreading the contracts to various shipyards, we would avoid two hazards which could halt production; first, a strike could block construction for periods of time, and, secondly, mismanagement by a single firm could halt production of a category of ship.

Mr. Chairman, my proposal extends the "three yard provision" to all of the shipbuilding program.

However, let me hasten to assure you that this is not entirely a new idea. Al-

ready there is in the law, section 7302 of title 10 of the United States Code, which presently states:

The Department of the Navy shall have constructed on the Pacific Coast of the United States such vessels as the President determines necessary to maintain shipyard facilities there adequate to meet the requirements of national defense.

Mr. Chairman, I have taken language which permits the President to allocate, and I have altered it to require the equal distribution of this shipbuilding work unless the President finds that another distribution will maintain an adequate shipbuilding capacity on all three coasts.

I feel that this amendment will help revitalize our shipbuilding industry in more areas, and I feel that the national interest can best be served by spreading our shipbuilding to various yards—for our shipbuilding capabilities on the east, west, and gulf coasts must all be able to build modern naval vessels.

Mr. Chairman, I would ask the chairman of the Armed Services Committee what his position would be to this amendment.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I will answer the gentleman in this way. We have a differential in price between the east coast and the west coast. It will have to be worked out in conference due to the limitations on the amount of money for construction.

I cannot answer the gentleman unequivocally, but I will say to the gentleman I will try to work something out in conference, as best I can, due to this price limitation. It is something we have no control over, and I cannot say I am in favor of the gentleman's amendment. I will say we want a shipbuilding capability on the west coast. We have one, and we are building up the industry all the time, both in private and Federal shipyards. So I will accept it under those conditions. That is all I can say to the gentleman.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, of the \$3 billion roughly which is being authorized, \$600 million is to be appropriated only for expenditures in naval shipyards. There are some on the east and on the west coast but none on the gulf coast. Would the gentleman's amendment cause one-third or \$200 million of the \$600 million for naval shipyards therefore not to be spent at all, because there are no naval shipyards on the gulf coast?

Mr. ANDERSON of California. No. My proposal simply establishes a policy that it would be the intent of Congress that we spread this shipbuilding and conversion over all three coasts, rather than in one particular area. We would leave it to the President to determine how these funds should be spread.

Mr. HOSMER. Within the total sum?

The entire \$600 million could be spent on the east and west coasts?

Mr. ANDERSON of California. Yes.

Mr. HOSMER. Mr. Chairman, I thank the gentleman from California.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, does this apply to new shipbuilding only, or to repairs coming out of the same fund?

Mr. ANDERSON of California. The amendment I am offering provides for new construction and conversion. Therefore, it applies to both.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON).

The question was taken; and on a division (demanded by Mr. ANDERSON of California) there were—ayes 29, noes 44.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN:

On page 2, line 12, after the word "Navy" strike "\$3,013,900,000" and insert "\$2,578,900,000".

Mr. WHALEN. Mr. Chairman, in the time allotted me I would like to cover three points.

First, I shall explain what the amendment proposes.

Second, I shall explain the reasons for the amendment.

Third, I should like to touch upon the question raised by the chairman of the Armed Services Committee last Wednesday relative to the need for additional ship procurement.

First, what does the amendment propose to do? It merely seeks to reduce by \$435 million the item of ship procurement in the authorization bill. This would simply restore the original figure asked by the Department of Defense. So what we would be doing, if this amendment is adopted, would be to grant the entire request for funds for naval ship procurement as submitted by the Department of Defense, but no more.

Second, as to the reason for this amendment: I believe we have to recognize as we analyze the budget that ship procurement has grown faster than any other major element of the budget, including the defense as well as all other budgets submitted by the Chief Executive. As an example, between fiscal years 1969 and 1970 the appropriations for ship procurement more than tripled. If this authorization is approved and the amount of money in this authorization is funded, then quite obviously funds will be diverted from other needed areas, particularly in the domestic field. I believe we have to recognize that the committee in reporting this bill has applied two standards, one for the Army and one for the Navy. If Members will read the committee report, they will note on page 17 the comments regarding research and development funding. I quote the following:

The reductions applied to the Army Research and Development budget results in a total amount recommended for authorization which is approximately the same dollar level as authorized by the Congress last year.

What we did to the Army, particularly in the research and development field, was to cut their request and bring it back to the level which was approved and authorized by the Congress last year. This was not done in the case of the Navy. As noted previously, the committee saw fit to increase ship procurement over and above the President's request, by an amount of \$435 million.

For these reasons, I would certainly hope that the Members of this committee would support this amendment.

Third, I should like to touch on the question proposed by the chairman of the Armed Services Committee last Wednesday in our brief colloquy; that is, the question of the need for additional ships. Mr. Chairman, I do not believe that need, per se, is the issue here. Certainly I would agree that the Navy needs additional ships. I believe we would all agree that the Air Force probably needs additional aircraft. Certainly we need additional funds for public housing. We need additional funds for education. We need additional funds for urban renewal. I believe we would all agree that the taxpayer needs additional relief.

Therefore I am suggesting that need as such is not the issue. Rather, it is the question of relative need. I submit to you that the need for additional ships represents a low priority. Had the need been greater, relative to other defense and nondefense items, the President, I am sure, would have incorporated the additional \$435 million in his budget request.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?

The CHAIRMAN. The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.

Mr. STRATTON. But not more than once?

The CHAIRMAN. No; not more than once.

The Chair recognizes the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio. It relates to naval shipbuilding.

I believe the gentleman from Ohio has made a number of very astute observations. I usually share a lot of his philosophy with respect to military expenditures. However, I think when it comes to naval shipbuilding certainly we have divergent views. I tend to believe that if we are sincere in wanting to drop \$1 billion out of this bill, the place to do it is in the ABM field. Those amendments,

of course, have been offered and rejected. Now to move to strike out an additional \$435 million for naval shipbuilding I do not think is in the interests of the United States.

Mr. Chairman, I will say this: If you are for conservation in defense spending, I think you can still support a first-class Navy whether you are for cutting or not. At the present time we have a considerable number of our aircraft carriers that are obsolete and which survive on oil. Even if the National Security Council comes up with recommendations in a few years that maybe only 10 carriers would be in our American national interest, still I believe it is advantageous for us to convert our existing carriers to a nuclear capability.

Mr. RIVERS. Mr. Chairman, will the gentleman yield to me?

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, this is a committee amendment they are trying to strike out. It had only two or maybe three votes against it in committee. It is vital to the retention of an adequate Navy. The gentleman from California is absolutely right. We are laying up 180 ships this year. At this rate we will have no Navy. This amendment of \$435 million for new ships and conversion is the identical number which was set by the Secretary of Defense and which he said he needed and wanted and which has first priority. The gentleman from California (Mr. LEGGETT) is absolutely right. The entire committee favors the addition of these ships. They will not add one dime to the budget that came up here from the Pentagon.

Mr. LEGGETT. I say on this one matter the chairman is exactly right; 80 percent of our existing Navy is over 20 years of age. All you have to do is go out on some of these old tubs, and you are certainly embarrassed by it.

Mr. Chairman, I urge rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. WHALEN) there were—ayes 22, noes 55.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN:

On page 2, line 5, strike out "\$2,452,200,000" and insert "\$2,350,500,000".

On page 2, line 6, insert immediately before the period the following: "Provided, That none of the funds authorized to be appropriated by this Act may be used for the procurement of S-3A aircraft".

On page 3, strike out lines 14 and 15 and insert the following:

"For the Navy (including the Marine Corps), \$1,989,500,000: Provided, That none of the funds authorized to be appropriated by this Act may be expended for the research, development, test, and evaluation of the S-3A aircraft;"

Mr. BUTTON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from New York.

Mr. BUTTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Montana. Adoption of the amendment would save the taxpayers more than \$300 million in the next fiscal year and more than \$3 billion in the next decade.

What is proposed amounts to a \$3 billion duplication of programs. The unproven S-3A, a carrier-based antisubmarine warfare aircraft of limited range, serves substantially the same purpose as the Navy's P-3 series of land-based antisubmarine aircraft. The P-3 with its ongoing improvements is adequate for our antisubmarine aircraft needs. It is a larger plane with a greater range, constantly being improved as to range and equipment.

The S-3A is superfluous and repetitive. The land-based aircraft—P-3—has a greater range than the S-3A, and its function—to seek out and destroy enemy submarines in time of war—is the same.

Authorization of funds for the S-3A is certainly not in the best interest of the taxpayers. We would be committed to an overall expenditure of more than \$3 billion merely to procure the planes at a cost of some \$16 million per copy. In addition, to maintain the program once it is fully operational would require \$1 billion annually, at a rate of \$200 million per carrier each year.

The Navy is apparently phasing out the aircraft carriers employed to base the S-3A. In 1965 there were nine of these carriers in use; yet, in this budget, only four are included. At least five such carriers are needed if we are to employ all 193 S-3A's the Navy hopes to procure.

If the sea-based S-3A is so important as to justify a \$3 billion investment, why have we phased out five carriers since 1965?

I would also ask these questions: What vital sealanes does the S-3A cover which cannot be covered by the P-3C? What essential goods would flow over these sealanes during a naval war? What war can be foreseen which would not quickly escalate to the point where seapower would be overridden? Would not all the CVS's, because they operate in sub-infested waters, be exceedingly vulnerable to attack?

Mr. Chairman, the gentleman from Montana has referred to an article in a recent issue of the Washington Post concerning what is described as a secret Pentagon study on the need for aircraft carriers. Although this report limits the discussion to the merit—or rather lack of merit—of conventional aircraft carriers, it is quoted as stating that—

It is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases and available.

Since we have an effective and new series of land-based antisubmarine aircraft—the P-3—I contend the same argument applies to the Navy's hope of procuring 193 aircraft of the S-3A type. The assumptions made in this report, if accurate, bear out my contention that our land-based P-3 is adequate as an antisubmarine force for purposes of maintaining national security in the 1970's.

Mr. OLSEN. Mr. Chairman, I am offering an amendment to H.R. 17123 to delete both the funds and the authorization for the S-3A antisubmarine aircraft. It is my opinion that this program is a needless waste of the taxpayers' money.

Essentially the S-3A is a carrier-based ASW aircraft whose function is to keep tabs on potential enemy submarines during peace time and to track down and destroy enemy subs during war time. Its mission is the same as the land-based aircraft in the P-3 series.

At a glance it might appear that a carrier-based program would be a welcome adjunct to the land-based aircraft. However deeper inspection raises some very real questions about the cost effectiveness of the S-3A and the overall merits of the carrier-based ASW program.

As a former Navy man I am quite familiar with the vulnerable position of the aircraft carrier during wartime. Quite frankly the carrier is often a sitting duck and with the rapid technological gains made in the development of aircraft and missiles during the last several years the carrier will be far more vulnerable in future wars. The CVS on which the ASW aircraft are based are old ships, in operation for 20 to 25 years. One cannot realistically expect an adequate performance by these ships in a modern war.

Another consideration is that the Navy appears to be phasing out aircraft carrier for sub warfare. In 1965, there were nine of these ships in operation. In fiscal year 1971, only four are planned operational. At least five CVS would be needed to handle the 193 S-3A's that the Navy intends to procure by the end of the decade. The Defense Department, according to an unclassified version of a classified Pentagon report, which I have in my possession at this time, has concluded that the Nation does not need any additional aircraft carriers and could safely cut its present force of 15 to fewer than 12.

The cost-effectiveness of the S-3A has been a matter of concern to just about everyone but the Navy. Secretary Laird, in the fiscal year 1971 defense program and budget report, February 20, 1970, said:

The present ASW carrier (CVS) force, as has been pointed out in past years, is costly to operate in relation to its current overall effectiveness.

Both Secretaries McNamara and Clifford expressed similar misgivings and recommended against proceeding with the S-3A program. The Senate cut \$25 million from the 1970 S-3A appropriation and the House Appropriations Committee cut that same budget by another \$19 million.

The cost to procure the 193 S-3A's the Navy plans call for will amount to over \$3 billion. The cost in fiscal year 1971 alone will be \$309.5 million. The estimated annual cost of operating one CVS fully complemented with S-3A's is \$1 billion. As we all know by experience these estimates are generally too low and the actual price is more often far greater.

Earlier I mentioned the land-based series, the P-3. The latest, the P-C3, currently covers 80 percent of the earth's ocean area and those areas covered by

this aircraft are the only ones from which submarine-launched missiles can reach the United States. All vital shipping lanes are protected by the P-3C and the P-3C has a far greater assurance of finding a place to land once its mission is completed. The P-3 series is constantly being updated and improved and the range of these planes increase continually. To my mind it is a much better investment than the dubious S-3A and other carrier-based ASW aircraft.

What we have in the S-3A is a redundant and expensive program. Clearly we are not justified in spending billions of dollars on something from which we will get little or no return.

An aircraft carrier-based airplane is an absurdity.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Montana and those who have spoken in support of his amendment and the gentleman from New York (Mr. BUTTON), who extended his remarks in the RECORD without taking the floor to speak are somewhat confused about the nature of this particular plane that they are seeking to strike out. This is an antisubmarine warfare plane. This is the plane that we are presently developing to try to respond to the threat, and it is the most dangerous and significant threat that the Soviet Union has posed against us in the past few years, the Soviet submarine-launched missile threat.

In 1965 the Soviet Union had just 25 launchers of missiles from submarines, and those were mostly the cruise type, and had to be fired from the surface. By 1974 they will have from 400 to 500 submarine missile launchers available and these will be of the *Polaris* type, capable of firing while submerged. In fact, the Soviets are building these *Polaris* type submarines at a rate of six to eight per year, and by 1974 they will have more *Polaris* submarines than our present 41. The missiles these submarines can fire can travel from 1,500 to 2,000 miles, and can destroy most American cities.

The only kind of protection we have against this kind of submarine-launched missile threat is through our antisubmarine warfare force.

Now, if you have been noticing the papers, you have noticed the reductions that have gone on in the Navy Department in the past few years. They have been largely at the expense of our defensive naval forces, the antisubmarine force. The Soviet nuclear missile submarine threat is the greatest challenge that we have facing our control of the seas, today, as well as our ability to maintain our economy, and our ability to project American power in other parts of the world without putting soldiers ashore, in line with the provisions of the Nixon doctrine.

So the defense against this submarine threat is the one area where we especially need to modernize our forces. If we do not have a modern antisubmarine warfare plane, we are going to be vulnerable. Our cities are going to be open to attack from thousands of miles out to sea. The gentleman from Montana says, "Well, we

have got the P-3." But that is a land-based plane. That is a wonderful plane, but only if you have the bases available. What if we do not have any bases available? Take a look at the Mediterranean. All of our bases on the southern shore of the Mediterranean have already been denied to us because of the Soviet Union's expansion in North African Arab states.

So what do we do if we do not have bases? Are we going to just leave ourselves vulnerable to the Soviet submarine threat in those areas? Of course not. We must maintain our antisubmarine carrier forces, even though they have been already too severely cut back by budget reductions. And if those forces are to be effective, they need a modern antisubmarine airplane, equipped with the latest in electronic equipment, to fly from those antisubmarine carriers to seek out and defend the American homeland against the menace of a superior Soviet *Polaris* nuclear missile threat.

If the amendment of the gentleman from Montana (Mr. OLSEN) and the gentleman from New York (Mr. BUTTON) is adopted we would leave American cities with a woefully inadequate defense against the Soviets' fastest growing threat. And we would be undermining the great work done to combat the Soviet submarine threat by Vice Adm. Hyman G. Rickover. Much of Admiral Rickover's work is carried on in my old home of Schenectady, by the way, by the great General Electric Co., at its Knolls Atomic Power Laboratory in Niskayuna.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN).

The amendment was rejected.

Mr. GOLDWATER. Mr. Chairman, to provide for the national defense is one of our constitutional responsibilities. In order to carry this out we in Congress must provide the armed services with the necessary tools and means. The S-3A is one of these essential tools. The S-3A will replace the Navy's aging carrier-based ASW plane. It will provide a modern computerized system to expand the Navy's ASW capability dramatically to meet the growing Soviet submarine threat of the 1970's.

The S-3A is an advanced carrier-based ASW air weapon system providing search, detection, classification, localization, and kill capability against a projected submarine threat for the mid-1970's and beyond.

Formal definition studies began in 1966 and culminated in the issuance of the request for proposal for contract definition study in December 1967. Firm proposals for development and production were submitted in December 1968. Following Navy evaluation, the contract was awarded in August 1969. It included requirements to meet specified technical milestones to be accomplished prior to a production go-ahead decision. All phases of this contract to date are on target. There are no problems with the project. And it not only meets Navy specifications but will surpass them in a few areas. This will be a good airplane and a good addition to our national defense. I urge that the amendment be defeated.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER:

On page 5, between lines 3 and 4, insert the following:

"Sec. 303. (a) No funds authorized herein shall be used to support the assignment of any National Guard unit to duty in connection with any civil disturbance within the United States unless—

"(1) the Governor of the State concerned first applies to the judge of the Federal district court for the district in which such disturbance is occurring or will occur, or for the District of Columbia, and such judge finds (A) that the disturbance is, or will likely be, beyond the capacity of the local authorities to control; and (B) that there is probable reason to believe that individuals involved, or who will likely be involved, in such disturbance are armed with firearms or explosive weapons; and

"(2) such National Guard unit has had special training in riot control.

"(b) Any officer of the National Guard who authorizes the assignment of any National Guard unit in violation of subsection (a) shall be fined not more than \$10,000, or imprisoned not more than ten years, or both."

Mr. OTTINGER. Mr. Chairman, we have just witnessed a terrible national tragedy that occurred on the campus of Kent State College in Ohio. The Governor called in the National Guard units to quell a student demonstration against the war, and those guard units apparently panicked and killed four students.

At least one of the students killed apparently was not even involved in the demonstration. She was just passing by. So far as we can ascertain, all four of the students were not bomb throwers, and they were not radicals of any kind, but were good, upstanding American youth who merely disagreed with the administration war policies.

We have to do something to prevent this kind of tragedy in the future and exercise more control over the assignment of inexperienced and, I think in this case, ill-trained National Guard units in this kind of situation.

I do not think the National Guard soldiers involved had any intent to kill young students. I certainly hope that they did not. But what appears to have happened is that they panicked and in the course of the fray, they turned and shot at students indiscriminately. The tragedy that followed is distinctly avoidable and should be avoided in the future.

The amendment would insure that the National Guard could be used in a civil disturbance only upon the permission of a Federal district judge. The judge would first have to determine if the disorder was "beyond the capacity of the local authorities" to control, and that those involved in the disturbance were, in fact, armed with firearms or explosives. Also the National Guard, prior to assignment to a civil disturbance, would have to be specially trained in riot control.

Some impartial authority must check the indiscriminate use of the National Guard against those who wish to dissent in our society. What happened at Kent, Ohio, on Monday is a national disgrace and the trigger tactics of the National

Guard must never again be allowed to occur.

President Nixon's unconstitutional war policy in Indochina and his labeling of college students as "bums" were deliberate actions which have polarized this country. President Nixon tells us that violence invites tragedy, but the ultimate violence in Ohio came not from the protesting students who burned the ROTC headquarters at Kent State but from the rifle barrels of the National Guard, who killed four unarmed students.

The major responsibility for the violent divisions in this country must rest with President Nixon. The President and his echo, Mr. AGNEW, tell us that more violence will occur and then act to encourage this violence both at home and abroad. Such self-fulfilling prophecies serve no constructive purpose in time of national crisis.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I commend the gentleman for bringing this matter before the committee and I am happy to support his amendment.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, actually what this amendment does is to say that the Governor of the State goes to a Federal judge in that district court where the disturbance is or he comes to Washington to the district court here and gets the judge's permission to call the Guard. The judge decides whether there is a real disturbance and then gives the Governor permission to order the Guard.

Mr. Chairman, this is a very dangerous amendment.

What you would be doing is taking the complete authority away from the Governor of the State to control the National Guard.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, there is no question but that this amendment is subject to a point of order because it is not germane.

We are dealing with something else and this amendment is not germane. The bill has nothing to do with the subject of this amendment.

Furthermore, this amendment would call for interfering with the powers of the Governor.

Furthermore, there is some question about the constitutionality of it, but positively it is not germane and I would stake my life on that.

Mr. MONTGOMERY. I think the chairman is absolutely right.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. BRAY. Mr. Chairman, there is no question that this amendment is not germane, but that point was not raised in sufficient time.

At the present time with the great

violence, to try to prevent law and order, is to me the kindest words that you can say about it.

It is absurd.

At this time everyone regrets what happened at Kent University. I am not certain what happened.

I do not know that anyone in this room is. But we do know that such a restraint imposed upon the Government and the President also in the matter of calling out the National Guard and federalizing them would be catastrophic. It would encourage more and more violence.

While we are talking on this subject, I point out that in relation to the conduct of guardsmen, when students come out and throw rocks at policemen and guardsmen, throw firebombs, and attempt to bring anarchy, we ought to do a little something about it. The action that the amendment would authorize would be most disastrous, the most disastrous thing we could do to encourage violence.

Mr. MONTGOMERY. Certainly what happened at Kent College is sad. However, since the 4th of May 1969, the National Guard has been called out 67 times in 26 separate States on civil disturbances, and this is the first time we have had any tragedies. There was complete violence on this campus or the Governor would not have called out the Guard in the first place. Let us not judge too quickly what happened at Kent College.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I think the sin of this amendment is that we are judging the presence of guilt before there has been any evidence in the form of proof. The salvation of this Nation has been our law that one is innocent until proven guilty. So far as I know, there has been no proof that the bullets involved in this disaster came from National Guard rifles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD:

On page 2, strike out lines 12 through 19, inclusive, and insert the following:

"For naval vessels: for the Navy, \$2,861,900,000, of which \$600,000,000 is authorized to be appropriated only for expenditure in naval shipyards: *Provided*, That none of the funds authorized to be appropriated by this Act may be used for the procurement of the nuclear attack aircraft carrier designated as CVAN-70; *Provided further*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least two different United States shipbuilders."

Mr. MOORHEAD (during the reading). Mr. Chairman, I ask unanimous

consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. MOORHEAD. Mr. Chairman, the purpose of this amendment is to eliminate the long leadtime funds in the amount of \$152 million for the new nuclear attack carrier designed as CVAN-70.

Mr. Chairman, the present superiority of the United States in attack aircraft carriers over the Communist nations is 15 to 0. The Communist nations do not now have a single attack carrier in their entire fleet.

Mr. Chairman, a secret Pentagon study reported in The Washington Post of April 30, 1970, included an exhaustive analysis of cost effectiveness of aircraft carriers. This report demonstrated that attack carriers are a very expensive means of providing tactical air support, and the study finally concludes that a superiority of 12 to 0, not 15 to 0, but 12 to 0 over the Communist nations can adequately provide a balanced, adequate force in the foreseeable future.

Mr. STRATTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORHEAD. I am delighted to yield to the gentleman from New York.

Mr. STRATTON. The study to which the gentleman referred in the Washington Post I read also. Did not the study say that the tactical ground-based air power was more cost-effective when bases were available. But what does the gentleman propose we do when those bases are not available?

Mr. MOORHEAD. It stated that it was more cost-effective either when the bases were available or when using the bare base procedure with which the Air Force can establish a base very promptly. It concluded that with 12 aircraft carriers to 0, this was a sufficient number of aircraft carriers when, as, and if an air base was not available.

DECISION ON A NEW CARRIER CAN BE DEFERRED TO 1975

By 1976 the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the *Midway*—until 1980. Given the 5-year leadtime required to build an attack carrier, it will therefore not be necessary to fund the *Midway's* replacement until fiscal year 1975.

ATTACK CARRIERS ARE BECOMING OBSOLETE EXCEPT IN LIMITED SITUATIONS

Surface vessels are becoming increasingly vulnerable to attacks by submarines and the various missiles that already have been developed. The Soviet built Styx missile already has proved its effectiveness in the Arab-Israeli conflict in the sinking of the *Elath*. However, the Styx is obsolete compared to the coming generation of Soviet missiles. According to the Chicago Daily News on April 2 of this year, the Soviet Union is developing a new missile that has a range in excess of the Styx and which

can more successfully evade our own surface to air missiles. Carriers will undoubtedly be even more vulnerable when these new weapons are deployed.

With more and more nations becoming advanced to the point of having similar missiles within their defensive capabilities, there are fewer and fewer nations against which the carrier becomes part of an effective tactical weapon system.

The carrier's role, then, is rapidly being limited to provide tactical air support in wars against nations with unsophisticated defenses; tactical air support in wars of counterinsurgency when the insurgents are not adequately armed; and a deterrent "presence" in times of near war.

ATTACK CARRIERS ARE AN EXPENSIVE WAY TO PROVIDE TACTICAL AIR SUPPORT EVEN IN LIMITED SITUATIONS

Considering the limited role to which the carrier is being relegated by advances in weaponry, it is a fantastically expensive weapon. Each carrier travels with an escort of four destroyers. Together, these ships cost \$2 billion—not including airplane costs and operating costs. Operating costs amount to another \$400 to \$500 million per year for each attack carrier task force.

In addition to the air support provided from the existing 15 carriers, tactical air support can be provided, and more economically, by land-based aircraft. There are 685 airfields outside the United States with runways longer than 8,000 feet. There are an additional 1,036 airfields whose runways are between 5,000 and 8,000 feet. If none of these 1,700 land air bases are adequate, the Air Force can quickly build one at a cost of \$50 to \$60 million, instead of shipping in a \$2 billion, mobile air base.

JOINT SUBCOMMITTEE REPORT ON CVAN-70 AIRCRAFT CARRIER

A special joint subcommittee of the Armed Services Committees was established by the 1970 military procurement authorization bill. The subcommittee was to study the relative cost-effectiveness of sea-based tactical air. They concluded there is "as yet no acceptable formula" for such a determination. The law also called for a review of the present carrier force level. Again they concluded that they were "unable to resolve the question of the number of carriers" needed by the end of the decade. Yet, the subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN-70 in fiscal year 1971. The subcommittee can provide the Congress no rational reasons why we should fund an additional carrier at this time. At the same time there are many cogent reasons why we should defer approval of the CVAN-70.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BENNETT. Mr. Chairman, I had the privilege of being on a committee which was set up in the last Congress, by law, with membership from the Senate and the House, to study the CVAN-70. We spent weeks and weeks and weeks of study. As a result, we came to the con-

clusion which was practically unanimous—there was one dissenting vote and it was not on the fact that we ought to have modern carriers—but the committee recommended vigorously that this carrier be started and pointed out that it would cost more money if we did not do it now and that even if we reduced the number of carriers, we ought to have a more modern carrier. They evaluated the factor of cost effectiveness, and the Joint Chiefs of Staff said there was no firm showing that there was any saving whatsoever in the land based approach.

This report referred to by the previous speaker which was in the Washington Post, is highly inaccurate.

Mr. RIVERS. Mr. Chairman, this would about destroy the military and we would be gone tomorrow, and so is the fellow who wrote this—which has been discredited.

The study mentioned by the preceding speaker and described in the Washington Post last Thursday morning appears only to be another surfacing of this totally discredited study. There has been nothing secret about the existence of this study, nor of its conclusion suggesting a 12 carrier force.

The joint House-Senate subcommittee tried to find its author, Mr. Rosenzweig, to talk to him and have him testify. Was he at the Department of Defense where the original study was made? No; he had left there. Was he at Brookings Institute where he again tried to publish the study? No; he had been let go from there. We tried to reach him at his home but found he was at some unlocatable place on the west coast and unavailable.

This study was so full of holes that it was shot down and completely rejected by the Department of Defense. It was so flawed that Brookings refused to publish it. The Washington Post published it as a mysterious new discovery at a time when it could not be replied to before the issue is settled in the House.

What are some of the flaws? The study assumes that air-based power and sea-based power are used identically, whereas, there is a unique capability in sea-based power.

The study assumes that there will be plenty of C-5A's available to bring in the so-called bare-based kit. But only last week the same opponents rose to attempt to knock out funds for the C-5A's and in effect kill that line.

The report assumes that the fuel for these land-based planes will come in over the seas yet it does not include any cost for the maintenance of our superiority at sea.

The situation is summed up best by General Wheeler when he said:

Now, this is an extremely complex problem and the reason it is complex is that you first have to calculate what you are going to charge off against the cost of land-based tactical air versus what you charge off against sea-based tactical air. And depending upon what you charge off, you come up with these varying figures.

I must say that I don't regard any of these studies myself as being definitive and they certainly are now convincing to me as a basis for making a judgment as to the need for sea-based tactical air.

The study paper, which the Washington Post referred to, is not an official Department of Defense document or even an approved systems analysis paper. It was rejected by the Department for its errors. Neither has it ever been issued nor approved by Brookings Institute. Its concept was rejected by the special joint House-Senate subcommittee and by the House Armed Services Committee.

Mr. BENNETT. Mr. Chairman, I talked to a number of people the other day, who are highly credible people in the military, about the ships we ought to have in this bill. They said that above all things we should retain this carrier, because this is a large item and it takes years and years to build. Some of the smaller craft can be built over a short period of time, and we might make do with whatever facilities we have available, but we cannot make do without this carrier in the long-range picture.

It costs more money, the more years we take to start constructing it. This can be done now relatively economically since we have just built a similar carrier and are in the process of building a similar carrier. But if we wait a year or two, the cost will accelerate greatly. It would be a very unwise item to turn down, this item. Of all items in this bill, this is probably the most vital to our national defense.

Mr. Chairman, I include at this point testimony of Congressman MOORHEAD before our committee and the responses from the Navy on points raised:

TESTIMONY OF CONGRESSMAN WILLIAM S. MOORHEAD BEFORE THE JOINT COMMITTEE OF THE HOUSE AND SENATE ARMED SERVICES COMMITTEES STUDYING THE FUTURE ROLE OF ATTACK CARRIERS, APRIL 8, 1970

Mr. Chairman, as a former officer in an attack carrier task force in the Pacific during World War II, I appreciate this opportunity to appear before this Special Joint Committee to raise some questions about the future role of attack carriers.

The issue to be determined by this Committee, it would seem to me, is not whether we need any carriers now for I know of few people who would challenge the need for some carriers. Instead, it would appear that what needs to be brought out, discussed and, hopefully, answered is:

1. How many attack carriers do we need now, in five years or in ten years to supply the defensive needs of the country?

2. Can part of the tactical air support mission of the attack carriers be provided more economically by land based aircraft?

3. And finally, is the mission of the carrier in the long term being eroded by increasing technology causing increased vulnerability to the point where the Navy ought to give serious consideration to placing its primary emphasis on up-grading its capability in areas other than attack carriers?

As you are aware, an answer to the first question is imperative if we in Congress are to fulfill our constitutional role of providing for the common defense. Since none of the Communist nations have any attack aircraft carriers, nor apparently have any intention of building any attack carriers the question is whether the present superiority of 15 to 0 in aircraft carriers should be maintained or increased or whether that absolute superiority of 15 to 0 might be reduced to, say, 12 to 0.

Although we should not necessarily size our carrier forces to correspond to Soviet forces, it may be useful to look at what the

Soviet Union is doing—especially since so many of our military plans in other categories of defense are based on parity with the Russians. The Soviets are building missile cruisers, missile destroyers, high-speed missile boats, nuclear subs and attack subs—but no attack carriers.

Comment

This emphasis in Soviet shipbuilding does not support a thesis limiting the value of attack carriers. The principal reason that the Soviets do not have attack carriers in their fleet is a matter of relative priorities within their national strategy. The USSR, centered in the Eurasian land mass, is surrounded by her allies. In fact, Russia has military treaties with only two nations not sharing a common border with her. Russia considers the United States her primary adversary and NATO the primary threat to the USSR as the principal impediment to her domination of Europe. The Soviets recognize that the national strategy of the United States is overseas oriented. We have only two international borders. Our military strategy depends upon overseas alliances. 43 of the 45 nations with which we have treaties are overseas. The bulk of material support of these allies must still be carrier by sea. Despite the spectacular advances in air travel in recent years, 97% of all of the support for Vietnam has gone by ship. It is clearly evident that our security depends upon the continued free use of the seas.

The attack carrier force of the U.S. Navy is the principal component through which we assure ourselves the continued free use of the seas in the pursuit of our national objectives. This is because the attack carrier represents air power at sea, and history has conclusively demonstrated that naval surface forces cannot survive in the face of a determined air threat without local air superiority. Russia's naval strategy therefore is primarily designed to interdict the vital overseas lifelines of the western powers, the links between the United States and the rest of NATO. Although previous Soviet Navy commanders-in-chief have stated that the Soviet Union intended to construct a carrier fleet, the first priority has gone to the construction of a massive force of submarines and guided missile ships, the stated mission of which is to oppose the U.S. Navy's attack carrier fleet.

The Russians are building carriers, relatively small but very modern, and are learning the technology of carriers. Large attack carriers are extremely complex. There is only one shipyard in the world today which can construct a nuclear powered attack carrier. The Russians are becoming knowledgeable in carrier operations and are developing their industrial capacity for carrier construction.

In summary, a combination of the strategic implications of geography and the proximity of her satellites has thus far dictated a Russian naval strategy of interdiction vice control of the seas. Under these circumstances, the capability for modern attack carrier construction and operation has not been developed.

Statement

However, the Navy has estimated that 40 percent of its budget goes to maintaining the carrier fleet.

Comment

The most recent analysis of the percentage of the total Navy budget consumed by the attack carrier force has been conducted in connection with the joint Navy-Air Force ad hoc study group convened by the Secretary of Defense to determine the relative cost of land based and sea based air. The Navy Staff study on relative costs, which is based on the cost data developed by the Joint Study Group shows:

"From 1962 to 1969 the average cost of sea based tactical air, which includes the pro-

urement, direct and indirect operating costs of attack carriers, their air wings and all supporting facilities amounted to \$3.8 billion per year or 21.3% of the average Navy budget over that period."

Statement

In terms of national priorities it is instructive to point out that we spend more than twice as much (over \$400 million) on operating costs of the 15th carrier task force for one year than we spent for water pollution control programs last year.

THE STATE OF OUR PRESENT CARRIER FORCE

The answer to the question of whether we should build additional aircraft carriers at this time depends on:

1. The number of CVAs we want to operate in the late 1970's; and

2. The number of CVAs we currently have which will be both seaworthy and capable of operating the modern tactical aircraft in the late 1970's.

At present we have nine modern aircraft carriers; eight *Forrestal* class ships which have been commissioned since 1955 and the nuclear-powered *Enterprise* which was commissioned in 1961. In addition, two new nuclear-powered carriers have been funded by the Congress. The *Nimitz*, which was funded in FY 67, will enter the fleet in 1972 and the *Eisenhower*, which was funded in FY 68-70, will enter the fleet in 1974.

In addition to these 11 ships, there are 3 *Midway* class carriers. These ships, which were commissioned in 1945-1947, have received extensive modernization since that time. The *Midway*, which is currently undergoing a \$200 million modernization program, will be recommissioned this year. After modernization it will be able to operate all of the modern aircraft envisioned for the Navy for at least the next decade.

Comment

When the *CVAN-70* joins the fleet in 1977, the *Midway* will then be 32 years old. We have never operated a carrier past an age of 27 years. The *Midway*'s equipment and installations were renewed during modernization to permit the more effective operation of modern aircraft, but the hull, main machinery, and basic design will be 32 years old. *Midway* will be approaching the end of her useful life. On the other hand, the *CVAN-70* will represent the most modern ship design and will be able to operate the most advanced models of tactical aircraft at their most effective capabilities.

Statement

Thus it should be serviceable for at least 10 more years. The *Coral Sea* received an extensive modernization from 1956-1960 and the *Roosevelt* was modernized from 1953-1956. These ships can operate all of the current aircraft except the RA-5C. They will be able to operate all of the Navy aircraft currently under development; including the F-14 fighter.

Finally, there are 5 modified *Essex* class carriers. These are smaller ships which, with the exception of the *Oriskany*, were commissioned during World War II. They cannot operate the modern F-4 fighters or the RA-5 reconnaissance aircraft.

It is difficult to determine the age at which we should replace CVAs. The answer depends on the cost to keep the ships seaworthy and the extent to which they can operate the modern aircraft. While the Navy has indicated that the carriers have a nominal life of 30 years, there are many ships now in service which are substantially older than this. Without going into this issue any further, however, we can draw the following conclusions regarding the need for additional CVA construction:

1. There are 11 ships that will be serviceable well into the 1980's and at least one other (the *Midway*) that will be satisfactory

until at least 1980. Since it takes about 5 years to build a CVA, we do not have to fund additional carriers until at least 1975 unless we want to operate more than 12 CVAs in the late 1970's.

2. If we want to operate more than 12 CVAs in the late 1970's, we must decide now on a replacement schedule for the *Midway* and *Essex* class carriers.

Comment

CVAN-70 is required to maintain the modernity and capability of the carrier force regardless of any attack carrier force level decision. In fact, the *Nimitz* class carriers become even more vital if the Navy is required to operate a smaller carrier force. If a reduction in force level is made, it should be done by retiring older carriers in the fleet; six of the Navy's fifteen attack carriers were launched during or shortly after World War II.

With a twelve attack carrier force level, when the CVAN-70 joins the fleet in 1977 it will replace the aging, World War II designed *Midway*. Although extensively modernized, the limitations of size, age and aviation facilities available in the then 32-year-old *Midway* will make that ship less than one-third as capable as the *Nimitz* class even without taking into account the advantages of nuclear propulsion.

To keep the attack carrier force modern a continuing infusion of new ships is required. Within a fifteen attack carrier force level, for example, the construction of a new carrier every other year means that attack carriers will reach an age of 30 years before they are replaced—the nominal maximum useful life of a carrier. Even with a force level as low as 12, it would be necessary to build a new carrier every 2½ years to replace the carriers when they become 30 years old.

The three *Nimitz* class carriers, CVAN-68, CVAN-69, and CVAN-70, are the only carriers authorized or planned from fiscal year 1964 through 1974, a period of 11 years; this will average out to but one new carrier every 3½ years.

Statement

With this basic equation involving total size of the fleet and age as background, I would like to explore certain factors which ought to be considered in determining the size of the carrier fleet.

THE ROLE OF ATTACK CARRIERS

The role of the carrier can be roughly separated into three parts which I present in order of ease of justification: 1) providing "presence" in time of crisis but when no overt hostile action has occurred; 2) providing tactical air support in major but limited engagements such as Vietnam and Korea; and 3) some potential role in the event of an all-out conflict with the Soviet Union.

Comment

The role of the carrier as envisioned in the above paragraph as being comprised of "... three parts ..." in order of ease of justification" places undue emphasis on the *collateral* rather than the *primary* function and mission of the carrier and of the Navy. At the outset, it should be made clear that "providing presence", listed first in describing the role of the carrier, is part of the *collateral* (not the *primary*) mission of the carrier. Providing tactical air support, listed second, likewise is part of the carrier's *collateral* mission. Department of Defense Directive 5100.1 clearly lists the primary and collateral functions of the Navy, and the carrier is the principal instrument through which these functions are discharged.

The primary function of the United States Navy and thus the primary mission of the carrier is to gain and maintain general naval supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations,

to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign; in short, to gain, maintain, and exploit control of the seas and the air over the seas, in support of our national objectives. Control of the sea is vital to our national security. This nation's military strategy is predicated on a forward posture, with critical reliance placed upon our overseas allies and our own forward deployed forces. Of the 43 countries involved in treaties with the United States, 41 are overseas nations. There is no current plan for overseas military operations of tactical ground or air forces which does not depend upon our free use of the seas. In Vietnam to date 97% of the supplies have gone by sea. Unless we can assure ourselves continued free use of the seas against the most determined and capable potential opposition, our entire politico-military posture loses its credibility.

The *collateral* function of the carrier is to interdict enemy land airpower and communications through operations at sea, and to conduct close air and naval support for land operations. The carrier carries out this role by operating within tactical air radius of the objective area on a sustained basis, and projecting its striking power over land by means of its aircraft. Local sea and air supremacy are required to permit the carrier to devote a high percentage of sorties to the tactical air mission. The carrier must first gain control of the sea and airspace operating area with its aircraft, and then use this operating sector to project its striking power inland.

Statement

Additionally, the Navy has indicated that attack carriers are necessary to ensure continuing freedom of the seas in the face of a growing Soviet naval threat. Each of these roles or missions is somewhat different and ought to be explored separately.

TO PROVIDE A PRESENCE

The first mission, that is, providing presence in time of crisis but when no hostile action takes place, is perhaps the most difficult to assess. In this situation the carrier is presumed to act as a deterrent. Yet as in any case where hostile action is prevented by presence, no one—probably even the potential enemy—can say what factor tips the balance in favor of deterring aggression. Carriers undoubtedly assist. But so do our strategic bombers and our potential for rapidly deploying land forces and land based aircraft.

Comment

For presence or show of force to be effective, it must be credible. That is, the opponent must realize that if he does not back down, the threatening force will defeat him. Then, too, the deterrent force must be capable of carrying out its threat because the enemy may call the bluff. Therefore, a *deterrent force must have the clear capability to prevail in the specific situation*. The attack carrier with its demonstrated ability to project its striking power for more than 600 miles, and its nuclear potential, represents the most versatile and powerful single weapon systems in our arsenal. When attack carriers make a show of force, there is no mistaking their presence nor the national resolve that put them in position.

The precise control which can be exercised at the highest level of national command allows the carrier to be inserted into the *military or politico-military situation to the degree desired*. It can be a visible presence if required, yet not actually intrude into the sovereign territory of other nations. On the other hand, troops or land-based air power must be *committed*, possibly to later represent an irrevocable and sometimes embarrassing U.S. obligation to remain on foreign

soil. Likewise, withdrawal of U.S. land based units often requires, as a political prerequisite, the accord of the country in which the units were based. Carriers can be withdrawn at the will of the United States.

While bombers or airborne troops on strip alert at home may, with proper enroute logistical support and prepositioned stocks of fuel and other war material, be effective fighting forces to respond in emergencies overseas, their value in deterring aggression is questionable. Troops and aircraft at home are not visible deterrents; the carrier can be, when the situation so demands.

The *Polaris* submarine is our principal sea-going nuclear deterrent, but like the strategic bomber, it is strictly a strategic deterrent to retaliate in the event of a nuclear attack. A nuclear deterrent is not necessarily effective against limited war threats. The conventional power of the carrier provides the flexible response which can serve as a deterrent in situations below the threshold of general war.

Statement

Last year during the Congressional debate it was cited that since 1945 our carrier forces had been engaged in more than 50 of these incidents throughout the world. Assuming an average level of 15 carrier task forces during this period, this averages out to a cost of about \$2 billion per incident. I think that even the Navy would agree that \$2 billion per incident is a pretty steep price tag. The fact of the matter is that "providing presence" is an imponderable. It is doubtful if so many of our carriers could be justified if all they did was to provide presence. Furthermore, "presence" could have been provided with a reduced total carrier force.

Comment

Justification of carriers for "providing presence" is indeed an imponderable; equally imponderable is the role of the carrier in preventing small incidents from growing to war-sized proportions. We will never know, of course, how much the carrier has influenced the main course of history, but we do know that after appearance of the carriers in threatening situations such as that in the Taiwan Straits in the 1950's, a potential enemy changed his tactics in apparent response to the presence of attack carriers.

Since World War II, we have had war or threats of war, and during 9 of the past 25 years we have been engaged in actual fighting in overseas areas. We have used our carriers effectively in these wars as well as to provide presence to prevent other wars. The cost of the carrier in relation to the cost of the war it may have prevented cannot be calculated realistically, but the statement above, that the carrier's presence "averages out to a cost of about \$2 billion per incident," is also an unrealistic calculation.

COST OF LAND BASED VERSUS SEA BASED TACTICAL AIR SUPPORT

Statement

The main mission of the carrier fleet in the past 25 years has been to provide tactical air support first during the Korean conflict and of late in the Southeast Asian war.

Comment

The fact that in the last two wars, Vietnam and Korea, there was no Naval opposition has permitted the Navy to devote its entire tactical air effort to its *collateral* mission, participation in the land battle. In recent years this has resulted in primary attention being focused on this single part of the broad capability of sea based air.

It should be noted that the primary mission of sea based air is to contribute to the control of the sea and the air over the sea. There is no valid strategy involving the employment of our army or air forces overseas that does not assume that this control is going to be established and maintained. This mission cannot be performed by land based air.

Statement

The carrier has augmented our land-based aircraft. The questions raised in this regard deal with the relative cost of land based tactical air support vis-a-vis carrier based tactical air power.

Much of what follows is gleaned from a well documented paper entitled "Aircraft Carriers—Should We Build More?" prepared by Mr. Herbert Rosenzweig formerly of the OSD office of Systems Analysis and from notes taken in a seminar conducted by Mr. Rosenzweig at the Brookings Institution and attended by a member of my staff.

Comment

The 1968, '69 and '70 versions of the Herbert Rosenzweig study on the relative cost and effectiveness of land and sea based tactical air were never accepted as official positions, either by OSD(SA), his former employer, or by the Brookings Institution, his present employer.

Mr. Rosenzweig first produced his TACAIR cost and requirements study in 1968, when he was with OSD(SA), under Dr. Alain Enthoven. This draft, provided unofficially to the Navy and Air Force for review and comment, contended that sea-based air was 2.5 to 3.6 times as expensive as land-based air. Navy reviewers pointed out invalid assumptions and basic errors in logic, concept, facts, and costing. In the critique of the study attended by the Secretary of the Navy and Dr. Enthoven's principal deputy, it was agreed that the draft was inadequate and it was withdrawn without having received the status of an OSD approved document. The draft paper had recommended a CVA force level of 12; the Secretary of Defense decided to maintain the CVA level at 15.

OSD(SA) circulated essentially the same basic study in the spring of 1969 for comment. This study reflected a reduced ratio of 1.4 to 1 for costs of sea versus land based TACAIR, but Navy's critique again pointed out gross and detailed errors. Again OSD did not approve the study. The CVA force level remained at 15.

Under Brookings Institution sponsorship, he has prepared a 1970 study which is once more essentially a repeat of previous studies, with the same basic faults. He has presented a briefing of the study to a seminar at Brookings, however Brookings has not endorsed the work to date.

Statement

From these and other sources I would conclude:

1. A land based air wing costs \$165 million less per year to operate than a carrier based wing provided no air-lift support is required.

Comment

A Navy staff analysis of the Relative Cost of sea-based and land-based tactical air has been conducted using cost analyses from a joint ad hoc committee formed by request of the Deputy Secretary of Defense in May 1969 to derive a common methodology for costing land-based and sea-based systems.

The relative cost of sea-based/land-based tactical air forces (TACAIR) was determined by comparison of historical direct mission dedicated and allocated costs attributed to each system on the basis of cost per air wing, squadron and Authorized Aircraft Inventory (AAI) aircraft.

Navy Total Obligational Authority (TOA) for mission categories from 1962 to 1969 were determined by study of line item by line item of all direct and supporting costs from the entire Navy budget that could be attributed to the Navy missions including TACAIR. 100% of the Navy budget dollars were identified with various mission categories.

Air Force TACAIR costs were not available in detail comparable to the Navy cost analysis. The Air Force provided a breakdown of the Air Force budgets which allocated only 75% of Air Force budget dollars by mission categories, including TACAIR.

The average ratios of cost for the period 1962 to 1969 were determined to be as follows:

| | |
|--------------------|----------------|
| | <i>AF/Navy</i> |
| Per air wing | 1.2 |
| Per squadron | 1.5 |
| Per aircraft (AAI) | 1.3 |

Statement

In such a case the land based wings can be deployed almost as quickly as carrier based wings.

Comment

Mr. Rosenzweig's analysis of the average deployment time for the *n*th, or incremental CVA, is misleading and ignores the following:

a. CVA force levels are based on a worldwide scenario which means that even though they may be deployed in response to a contingency in one ocean, the CVAs in the other ocean are generally held in reserve for emergencies in their own ocean.

b. Our national strategy assumes, and we may normally expect, strategic warning for any contingency of such a magnitude that major forces should be alerted and deployed. One of the major advantages of the CVA is that it can be deployed at the first hint of strategic warning and does not have to wait out the diplomatic maneuvering. This will usually reduce CVA reaction/response time to near zero.

c. Quick response time loses its significance after a few days. We have seen historically the importance of countering an aggressive thrust within the first five days. Since we maximize the inherent utility of the CVA by maintaining one-third of the force forward deployed in "peacetime," the response time impact of the incremental carrier is that one-third more CVA could be in position to react within the critical early days of a contingency.

The mobility of the carriers permits concentration of sea-based airpower to the degree required by the task at hand. They can be moved any place on 70% of the earth's surface covered by international waters, without any international agreements or basing rights, at a rate of more than 600 miles a day and at speeds up to 30 knots.

All carriers in deployed status are maintained in a high state of material and personnel readiness as a quick-reaction, combat capable force available in an objective area of potential crisis. This includes those carriers forward deployed with the Sixth and Seventh Fleets and those assigned to the First and Second Fleets where they are available to reinforce the forward deployed forces or respond to contingencies in areas not covered by the forward deployed forces.

The number of carriers which can be deployed out of the total force depends upon the national military posture. Under mobilization conditions corresponding to an all-out declared war, up to 99% of the carrier force can be maintained in a deployed status. At the height of the Pacific operations in WW II, approximately 85% of the carrier force was maintained at sea. Without mobilization and with peacetime personnel policies and funding, about 50% of the fleet can be kept deployed in a surge effort when required in case of a minor war such as Southeast Asia. From March 1965 to July 1969, seven attack carriers were maintained in forward deployed status (two in the Sixth Fleet and five in the Seventh Fleet). Currently six attack carriers are maintained in forward deployed status. From a peacetime operating posture, the reaction response potential of the carrier force is substantial. About 75% of all our carriers are either at sea or immediately ready to go to sea and most of the remainder can be deployed on short notice.

Statement

2. If airlift is provided to support the land-based wing and bare base kits are prepositioned in Europe, Southeast Asia and Korea, the land-based wing is still \$120 million

per year less than the carrier equivalent. In such a case the land based wing could be deployed as fast as the fastest possible carrier deployment.

Comment

The Air Force does not identify a kit method of quick construction of land bases. However, they are placing great emphasis on the capability to respond rapidly and economically to a variety of situations worldwide. This capability is outlined in a plan which provides for an Air Force package. This package includes five fighter squadrons of aircraft which would be deployed to an overseas complex of three bases. To support this overseas tactical fighter package requires an initial lift of 6,747 personnel, a cargo of 7,232 short tons, and 1,572 vehicles. The daily resupply requirements are specified as being a total of 3,222 tons. That is over 3,000 tons per day of combat consumables.

With this great requirement for logistic support, the Navy is required to provide transportation for ordnance and fuel. Any consideration of attempting to supply 3,000 tons per day of combat consumables by air would require large numbers of expensive logistics aircraft, 109 C-5s would be required to supply this level from the United States to Southeast Asia. From the United States to the Middle East, with en route stops permitted by foreign governments, would require 76 C-5s, and in case we were moving to the Middle East and were denied either overflight or landing rights, the number would double. 152 C-5s would be required. This points out the necessity for moving such great bulks of combat consumables by sea and the requirement to protect these sea lines of communication. Notwithstanding the formidable logistic problems involved in such a plan, the Air Force is developing the capability for rapid deployment to "bare bases" and they are looking forward to using it where air strips exist and if there is a potable water supply available. However, even assuming the existence of adequately sized airfields, the "bare base kit" concept requires the establishment of the logistic support necessary for modern aircraft—not only the combat consumables but also all of the test equipment, tools, and the living facilities for the personnel.

Permission to establish the base must be secured from the sovereign nation where the strip is located. The only bases we have specific permission to use are those in which we already have a certain number of personnel situated. Lastly, one other most important factor is protection of the base. In establishing a base in a combat environment, one must be assured that it is not going to be taken under fire or captured soon after it is established.

Statement

3. In short term conflicts, carrier based and land based aircraft experience approximately equal sortie rates. As the term of the operation lengthens, the overall sortie rate and hence the effectiveness of land based aircraft is from 30% to 100% greater than carrier based aircraft.

Comment

A land-based wing and a carrier based wing, using recent data experience in Vietnam, have been shown to generate sorties at about the same rate.

Statement

4. Carrier based aircraft would be more vulnerable to enemy action in a Central European war than land based aircraft. In Southeast Asia, Korea and other areas of the world, the vulnerability is significantly lower than in the Mediterranean and North Sea and, therefore, in these areas vulnerability should not be as serious a factor in the choice between land based and sea based aircraft.

Comment

Vulnerability to enemy attack should indeed be a major factor in choosing between the two modes of operations.

First, it is clear at the outset that the vulnerability of sea-based tactical air can be as great as that of land-based tactical air if and only if direct conflict with Soviet forces is involved. Other nations such as North Korea, the UAR, and Communist China have forces capable of inflicting damage on a single carrier and its escorts, but only the Soviet Union maintains forces which might be able to seriously threaten a concentration of carrier strength.

Second, the mobility and defense in depth characteristics of a carrier task force increases its survivability over that of fixed installations. For example, the attack carrier's aircraft greatly outrange even the most advanced Soviet cruise missile. And against ICBM attack, the attack carrier, in contrast to cities, industrial complexes, and other fixed installations is virtually immune to pre-targeting.

Statement

5. There are more than enough land bases in Europe to meet our needs. In the North Asian theater, we can operate 1,200 fighter/attack aircraft from bases in Korea, Japan and Okinawa. Differing assessments of the needs of another Korean-type conflict range from 500-1200 aircraft for tactical support. In southeast Asia, we have more than enough land bases to meet all of our tactical air needs.

Comment

There are not enough bases today in Vietnam to provide full tactical air support for that war even after the extensive base building program. The carriers are still there.

Statement

In other areas of the world such as Africa or South America our needs are likely to be quite small—probably no more than a few wings of tactical aircraft. The Middle East and the southern flank of Europe presents a difficult problem.

Comment

Although there are a few bases in these areas, the reliability of these bases, and their useability when we need them may be questionable. On at least one occasion, the denial of even emergency use of a base in a supposedly friendly country for the protection of U.S. nationals in a third country severely constrained our actions. Similarly, suspension of landing and overflight rights by a country which has been our staunch ally severely complicated deployment of land-based tactical air forces.

The only threat of significance to U.S. Naval forces in the Mediterranean is that posed by the Soviets. It is true that our forces could encounter Soviet arms in the hands of bloc forces, however, their capability is very limited. Since the anti-ship missile threat is considered by some to be of prime concern, it may be useful to analyze the orders of battle of potential limited war enemies in the Mediterranean:

- (1) Nuclear powered attack submarines, cruise missile equipped: None
- (2) Diesel powered attack submarines, cruise missile equipped: None
- (3) Diesel powered attack submarines for torpedo attack (no cruise missile capability): (from Jane's Fighting Ships, 1969-70)

UAR¹ ----- 16
Albania¹ ----- 4

¹ Training and material readiness to execute the torpedo attack mission is doubtful.

(4) Long range aircraft (Badgers) capable of anti-ship missile delivery:

UAR (approx) ----- 20
Iraq (approx) ----- 9

No missiles have ever been observed on any of these aircraft.

(5) Surface ships (and craft) equipped to deliver anti-ship missiles: (From Jane's Fighting Ships 1969-70)

Patrol boats (OSA and KOMAR)

| | | |
|--------------|-------|----|
| East Germany | ----- | 12 |
| Poland | ----- | 12 |
| Rumania | ----- | 4 |
| Yugoslavia | ----- | 0 |
| UAR | ----- | 20 |
| Algeria | ----- | 9 |
| Syria | ----- | 10 |

It is evident from the foregoing that the principal threat to carriers in limited war is the anti-ship missile delivered from a patrol boat.

(1) The technology of the anti-ship missile is the newest and most formidable weapon for future use against the carrier. However, under the environment of less than general war, the threat of the anti-ship missile is substantially diminished. There is small chance in the immediate future that the lesser potential enemies will have significant capability to deliver anti-ship missiles except in one-shot, isolated surprise attacks.

(a) Although the Soviets are providing satellites with some modern weapons, they have not provided them with a submarine missile launching capability. Any significant surface launched missile capability requires control of the sea, which is not attainable by the lesser powers alone. The Soviet STYX missiles with which the Egyptians sank the *Elath* were launched from patrol boats. Significantly, the Egyptians have not duplicated this feat on the high seas.

(b) It is possible that surface-to-surface missiles similar to the STYX missile could be provided to the North Vietnamese. However, the carriers in the Gulf of Tonkin can and have operated beyond the range of land-based STYX missiles, and no potential North Vietnamese anti-ship missile launching platform such as a patrol boat or jet aircraft has ever penetrated the U.S. Naval defenses to within the effectiveness missile range of our carriers.

(c) An air launched missile capability requires control of the air to penetrate to within launching range of carriers. The carrier provides its own air supremacy in the vicinity of its task force and out beyond air-to-surface missile range.

Statement

6. In the past, General Purpose Forces were planned to support 2½ wars. The present Administration appears to be heading towards a 1½ war policy. It was difficult to justify 15 CVA's under the previous policy. Under the present policy it seems clear that there ought to be a reduction.

Comment

Although one and one half war policy can be termed a lesser national strategy in terms of funding and military capability, it does not necessarily follow that naval force levels will be correspondingly lower, nor that they should be. Policy guidance, coupled with growing enemy capabilities, actually drive naval force level requirements upward.

The new strategy of one and one-half wars places a premium on mobility of combat forces and their support, and relies on the manpower of our allies. It reflects a growing reluctance on the part of the United States to insert land based units onto the soil of other sovereign nations, placing on them the responsibility for furnishing home-based units for their own defense. The qualitative requirements generated by this new strategy coincide closely with the capabilities inherent

in naval forces in general, and in CVA striking groups in particular.

THE NEED FOR ANALYSIS

Statement

As a complete layman in the field of Systems Analysis, I found the arguments presented in Mr. Rosenzweig's paper very persuasive. In all of the debates over this issue, I have never seen any real analysis of the issues involved. This paper is the rare exception and I highly recommend that the Committee obtain a copy for study in order to get a balanced view of the issue that will mean billions of dollars in expenditures over the next few years.

I understand that the Committee has requested the paper from the Brookings Institution and has been turned down because Brookings hopes to publish the paper shortly.

However, the Pentagon has a copy of both Mr. Rosenzweig's Brookings paper as well as the classified OSD Systems Analysis version of the paper. The Committee should demand that the paper be made available on both a classified and non-classified basis. The issue of the relative cost-effectiveness of land based versus sea based tactical air is skillfully analyzed and is crucial to any determination of the future role of attack carriers.

QUESTIONS ON THE JOINT STUDY

On this same subject I have the following questions about this Joint Committee study:

Has the Committee been provided access to last year's highly touted study by the National Security Council on the future role of attack carriers? Has the Committee been briefed on this study and will it be made available to Congress?

Due to the enormous sums involved in the decision of whether to buy any more attack carriers—has the Committee commissioned any studies on the issues in the seven months it has been in existence?

Who is studying the foreign policy implications of the carrier issues?—Is there any liaison with the Foreign Affairs and Foreign Relations Committees?

What is the impact of the President's Guam statement and the new Nixon low profile in foreign policy on the future of attack carriers?

Have any of the analytical people who are carrier critics been invited to testify before the Committee, such as Herbert Rosenzweig, formerly of OSD Systems Analysis; William Kaufman of Brookings, M.I.T., and former Special Assistant to Secretary McNamara; Alain Enthoven, former Assistant Secretary of Defense; Arthur Herrington, currently in the Office of the Secretary of Defense; Arnold Kuzmack, formerly of Systems Analysis; and Ivan Sellin, former Assistant Secretary of Defense for Systems Analysis. And I am sure there are other qualified people outside of the Pentagon who could address these issues and substantially increase the level of debate.

Now I would like to make some observations on what I view as a critical issue—the vulnerability of the attack carriers.

CARRIER VULNERABILITY

The question of carrier vulnerability has been debated for some time. There are a number of scenarios that must be considered—some of them reasonable and some that are really far less than reasonable. The first is an all-out war with the Soviet Union. In such a situation, the war would most likely be fought with both tactical and strategic nuclear weapons. In this case, I am quite sure that even the Navy would admit that carriers would be extremely vulnerable. Only through a quirk of fate would any survive.

Comment

A direct hit from a nuclear warhead will destroy any ship, and any other military installation as well. But there is little or no

chance that nuclear weapons would be employed against the U.S. carrier force except under circumstances of a general nuclear war with the Soviet Union or with China. Under these conditions, everything is vulnerable and great losses will be sustained by both sides, but even under these circumstances the carrier is less vulnerable because it cannot be pre-targeted. However, because the most probable future wars will be below the threshold of general nuclear war, limited conflicts of the type experienced in Korea and Vietnam can be expected.

Statement

The remaining potential enemies do not constitute a significant threat to our carriers. The Chinese do have about 30 conventional submarines of medium endurance. However, their tactical missileery could not be considered a major threat, although in any engagement we probably would not get off scott free. The North Vietnamese present no real threat to the carriers. The Egyptians do present a modicum of trouble for carriers in a first strike since they do possess the Soviet-built Styx missiles. However, it

is unlikely that any sustained attack could be mounted since the Egyptian patrol boats would be quickly destroyed. The remainder of the nations of the world present no significant threat to our carriers.

Conventional War at Sea with the Soviets?

These then are the reasonable scenarios. Let us consider an unreasonable one, but one which many people continue to dwell upon with analytical fascination: a conventional war with the Soviet Union. Carriers do not fare too well when considering their vulnerability in this situation.

The vulnerability of aircraft carriers in a conventional United States/Soviet War is an issue that has not been sufficiently studied; or if it has, the results have not been made available to the Congressional membership. The Navy has not stated in a clear-cut manner what the survivability of aircraft carriers would be against a potent enemy such as the Soviet Union under conventional war time conditions. Rear Admiral Johnston has stated that carriers are not completely vulnerable and they are not completely invulnerable. This is less than marginal help. Last year

during Congressional debate, Admiral Moorer made the statement, purporting to demonstrate the invulnerability of carriers, that during World War II not a single carrier had been sunk by Kamikaze attack. This statement is technically correct. However, it is misleading for two reasons. First, the comparison is not good because the Kamikaze is a vintage 1945 weapon. The weaponry of this country cannot be predicated upon defending against an enemy armed with obsolete weapons. For example, if the Army were to propose an anti-aircraft weapon capable of destroying Sopwith Camels, I hardly think the Congress would swallow such a rationale. Modern defenses must be capable of countering an enemy equipped with equally modern weapons. Another reason the Kamikaze statement is misleading is that while no carriers were sunk by these human guided missiles, a number were seriously damaged and put out of action for extended periods or permanently. I have been informed that 13 carriers were seriously damaged by Kamikaze attacks, but the following list is the most comprehensive we could put together on short notice:

CARRIERS BADLY DAMAGED BY KAMIKAZE ATTACKS

| Ship ¹ | Date | Number of hits | Notes | Ship ¹ | Date | Number of hits | Notes |
|----------------------------------|---------------|----------------|---|---|---------------|----------------|-------|
| Saratoga (CV-3) | Feb. 21, 1945 | 4 | Serious damage, went out of commission. | Others listed as badly damaged by Morison: ² | | | |
| Ticonderoga (CV-14) ³ | Jan. 21, 1945 | 2 | Returned to base. | Franklin (CV-13) ³ | Mar. 18, 1945 | | |
| Bunker Hill (CV-17) ³ | May 11, 1945 | 2 | Returned to base, went out of commission. | Wasp (CV-18) ³ | Mar. 19, 1945 | | |
| Intrepid (CV-11) ³ | Nov. 25, 1944 | 2 | Returned to base. | Hancock (CV-19) ³ | Apr. 7, 1945 | | |
| Enterprise (CV-6) | May 13, 1945 | 1 plus | Returned to base, went out of commission. | Intrepid (CV-11) ³ | Apr. 16, 1945 | | |

¹ I. M. Korotkin, "Battle Damage to Surface Ships During World War II," translation 310, David Taylor Model Basin, February 1964.

² Vol. 14, pp. 389-392.

³ Essex class or later.

cruise missiles of today to emphasize the ineffectiveness of the Kamikaze, even with the most sophisticated and reliable guidance system yet conceived—the human brain. The predominance of the human brain is again illustrated by the flight of Apollo 13; the most complex product of our technology is ultimately dependent upon the mental acuity of the astronauts.

Comment: The Navy has in the past contrasted the Kamikaze attacks of World War II to the

Additional information on the carriers referred to is submitted as substantial support for the Navy's thesis on carrier survivability:

Saratoga—Completed in 1927 on the hull of a 1920's battle cruiser—participated in 4 major campaigns in the Pacific. In February 1945 she was 18 years old. Hit between 1700-1846, she was ready to land aircraft at 2015. She was under repair for 10 weeks and undoubtedly would have seen further action had the war continued. One might also recall that she was a target ship in the Bikini atom bomb tests of 1946—and survived the air burst of a 20KT bomb with superficial damage.

Enterprise—In May 1945—under repair for 14 weeks and could have returned to service had the war been prolonged.

Franklin—War ended 5 months later before she returned to service. S. filed from the Sea of Japan to Boston under her own power—12,000 miles.

Bunker Hill—War ended 3 months later before she returned to service. Was later converted to a CVS and then an AVT before being stricken in 1966. She is now used as a moored electronics ship in San Diego.

Ticonderoga—25 years later still in active service. Over 43,000 combat sorties flown during 4 tours in Vietnam. Returned to U.S. in September 1969 and is now being converted to a CVS and will be in the force in the Seventies.

Intrepid—25 years later and still in active service. Nearly 25,000 combat sorties flown during the Vietnam War. Reverted to her role as a CVS in 1969 and scheduled to be in the force in the Seventies.

Hancock—5 tours and over 38,000 combat sorties in Vietnam. She left the Tonkin Gulf on 30 March and she arrived home 13 April 1970—25 years and a week after the damage cited by Mr. Moorhead.

Statement

So instead of dwelling on an enemy armed with historical relics, let us dwell for a moment on modern weapons that carriers might face if we were at war with the Soviets.

Soviet attacks on our carriers might be expected from one or a combination of three sources: manned aircraft armed with air to surface missiles or bombs; surface-to-surface missiles launched by surface ships; and submarines launching either torpedoes or underwater launched guided missiles.

AIRCRAFT AND ASM THREAT

Considering the first source, that is, armed manned aircraft, we know that the Soviet Union has a considerable force of Badger, Blinder, and Bear aircraft. These are capable of carrying up to 10 missiles per plane.

Statement

From 6 to 10 of these aircraft can be launched simultaneously which means that they can direct bursts of from 10 to 20 missiles at the carrier. Since we cannot expect over 90% reliability of our defense systems, the carrier probably would not survive. Admittedly the utility of these planes is limited by their range. However, areas of vulnerability include the Mediterranean, the North Sea and the area around Japan, Korea, and off the East Coast of the Soviet Union.

MISSILE AND TORPEDO THREAT

The other sources of potential threat to our carriers stem from missiles and torpedoes fired from submarines or surface ships. Surface-to-surface missiles launched either from surface ships or submarines present a real threat to our carriers. The enemy objective is to try to hit aviation fuel supplies causing extensive damage. Experts estimate that two to four missile hits are sufficient to knock out a carrier for an extended period of time.

Comment

The experience of the USS Enterprise would belie this statement.

The hardness of the modern attack carrier is illustrated by the accident in the Enterprise early last year when nine major caliber bombs detonated on her flight deck. This is the explosive equivalent of more than a half dozen cruise missiles. Yet the ship could have resumed her scheduled air operations within hours, as soon as the debris was cleared from the after end of the flight deck.

Statement

This particular threat may be increasing considerably. According to an article in the Chicago Daily News on April 2, the Soviet Union is developing a new missile that has a range far in excess of the Styx. It can be fired from a submerged submarine and speeds to its target in the air just above the waves. The potential danger of such a missile is increased not just by its extended range or the fact that it can be stealthily fired, but also because of its altitude. A low altitude missile is quite difficult to defend against with our own surface to air missiles.

Comment

The Navy cannot vouch for the accuracy of the article in the Chicago Daily News. However, the implications of the anti-ship missile threat have been under continuing review.

Design improvements for protection have been incorporated in all new carriers built since World War II subsequent to the Essex class. The new Nimitz class nuclear carriers are the best protected and least vulnerable carriers ever designed.

The available defenses against anti-ship missiles for a carrier task force now consist of:

Inherent mobility (indefinite endurance at high speed for nuclear ships).

Air attacks by carrier aircraft against: Surveillance platforms, Launching Platforms, Missiles in flight.

Anti-submarine force attacks against hostile submarines.

Surface-to-air missile (SAM) defenses in ships of the task force against anti-ship missiles.

Close-in gun and missile defense from carriers against anti-ship missiles.

Both active and passive electronic warfare countermeasures from aircraft and all ships in the task force.

In the event that anti-ship missiles penetrate the above defense in depth and close-defenses, the carrier is well equipped to survive hits with its built-in protective systems as follows:

Extensive armor protection for the flight deck, sides, and underwater body designed with high probability to defeat high order contact and penetrating explosives comparable to that of an anti-ship missile warhead.

Watertight compartmentation throughout the hull which divides the ship into more than 2,000 watertight and shock resistant compartments to confine damage to small areas.

Redundancy of essential systems for command and control, aircraft operations, ship control, ship propulsion, and damage control to provide means for continuing effective offensive and defensive action while limiting damage, defeating fires, and restoring casualties from hits.

The statements above do not mean that U.S. Navy concern for the potential threat of the Soviet submarine force or the anti-ship missile is downgraded. It is recognized that in a confrontation or in a war with Russia, Soviet submarines constitute a formidable force threatening our use of the seas. Therefore, continuing development of Navy anti-submarine warfare capabilities is in progress in conjunction with development of defenses against the anti-ship missile.

The Soviets, in turn, have always been concerned with the threat posed them by our Attack Carrier Task Forces. In the 1968's they commenced allocating an increased share of their national resources on a priority basis to their anti-ship missile program as a counter to the carrier threat.

Responding to this increased Soviet threat, the Navy embarked on a broad scale improvement of existing defensive weapons. Recognizing the need for central coordination the ASMD (Anti-Ship Missile Defense) Office was established in February 1968 with a Rear Admiral, USN as ASMD Program Coordinator. As the first priority, the ASMD office in 1969 published new tactics and doctrine for countering the anti-ship missile for fleet use. In that same year, an ASMD Program Plan was promulgated encompassing all previous missile defense plans and setting forth schedules for near term and future improvements to weapons and electronic warfare equipments.

The general provisions of the ASMD Program Plan provide a defense-in-depth concept utilizing all weapons available to a balanced fleet. The plan addresses immediate improvements to existing systems as well as

installation of new systems, and integration of these systems into a reliable anti-missile capability in both area and self-defense.

The near term effort includes installation of improvements to surveillance and reconnaissance platforms, air interceptors, surface-to-air missiles, guns, point defense systems, threat recognizers, decoy systems, radar detection systems, and counter-electronic warfare systems. New systems in the ASMD plan include an advanced surface-to-air missile system, an air and surface launched anti-ship missile, a manned shipboard multi-purpose helicopter, and a new radar controlled rapid fire machine gun.

The ASMD shipboard installations are time-phased in accordance with scheduled ship overhauls and availability of new or modified equipment.

The first step of the ASMD program, to equip 20 destroyers on an emergency basis for duty in Southeast Asia, is nearing completion. The second step, commencing July 1970, is to provide aircraft carriers, cruisers, and frigates with all available equipments necessary to provide a threat reactive anti-ship missile defensive suit.

Statement

Torpedoes also constitute a threat to carriers. There are two types of torpedoes: straight running and homing. The damage potential of straight running torpedoes is low. A carrier could probably sustain 20 hits with low effect. However, according to experts the damage potential of homing torpedoes is relatively high despite the fact that counter-measures exist. Homing torpedoes are generally designed to home on the ship's screws. A carrier most frequently has 4 screws. If two are hit and rendered inoperable the carrier would most likely be incapable of fulfilling its mission of launching aircraft. While the carrier might not be sunk it would have to withdraw for some period of time.

Comment

Of the major weapons which constitute threats to the carrier, torpedoes are by far the least effective. The submarine must reach a point within several miles of the carrier to fire torpedoes. Furthermore, the torpedo protective system of modern attack carriers is extremely effective. Recent technical analyses at the Naval Ship Research and Development Center show that a significant number of torpedoes are required to put a modern *Forrestal* or subsequent class carrier out of action.

Statement

The torpedoes mentioned thus far are conventional in their mission. Experts now believe that there is a possibility that the Soviets could develop a new type of torpedo capable of actually sinking a carrier. Such a torpedo would be designed to explode under the hull, in effect breaking the back of the carrier.

These conventional weapons exist and they can incapacitate or destroy carriers. This country does possess carrier defenses in the form of missiles and aircraft. However, no one, not even the most optimistic, could expect these defensive systems to operate in excess of 90% reliability.

Similarly, we cannot expect offensive systems to operate with perfect reliability.

Statement

Therefore, we must assume that even under conventional wartime conditions with the Soviet Union, in the face of determined opposition attack carriers are quite vulnerable.

Comment

The Navy agrees that in a war between the United States and the Soviet Union there would be enormous casualties to both sides. Soviet submarines and missiles would indeed be serious threats to the carrier as they would be to all ships, particularly those with limited defensive capability such as tankers and other supply ships. These logistic ships which would transport the vast majority of supplies to sustain any land effort over seas would have to depend upon the carrier for protection against antiship missiles. Our own surface warships, outranged by Soviet anti-ship missiles, would likewise perform their missions under the protective umbrella of carrier aircraft which greatly outrange Soviet missiles.

Today, carriers constitute the margin of superiority of the U.S. Navy over the Soviet Navy. In other areas such as members of attack and missile submarines, surface-to-surface missile ships, missile patrol boats, as well as general modernity of equipment, the Soviet Navy is ahead of us, but in carriers, we have a clear advantage. Our attack carriers are the most effective counter to the anti-ship missile threat. The carrier's aircraft, with a tactical range of about 600 miles, can search for, keep surveillance over, and if necessary, attack and sink the hostile missile launcher.

If we were without carriers entirely or if there were not sufficient numbers of carriers available, enemy missile-launching ships and aircraft could operate unopposed in any conflict with the U.S. Our Navy's operations would be severely curtailed. Tactical air superiority is a necessary prerequisite for success in any naval operation, be it amphibious assault, ASW, or protecting our sea lines of communications with our allies and our land forces overseas, and the attack carrier provides this tactical air advantage.

CONCLUSION

Statement

Mr. Chairman, there are any number of questions that this committee should answer. Detailed analyses exist that show that carriers are not cost-effective when compared to land based aircraft. The committee should study this report. It should request the navy to provide similar studies justifying its position. Unless the Navy can provide additional insight and information, additional carriers seem not to be warranted at this time. Beyond the question of cost-effectiveness there are very real indications that carriers are becoming increasingly vulnerable to sophisticated weaponry such that in the event of a major conflict with the Soviets, they would not survive.

For these reasons I believe that a balanced force should not exceed 12 carriers and that under these circumstances the Congress need not make a decision on the procurement of additional attack carriers until 1975.

| Number | Class | Name | Date commissioned | Number | Class | Name | Date commissioned |
|--------|-----------|--------------------------|-------------------|---------|------------|---------------|-------------------|
| CVA-14 | Essex | Ticonderoga ¹ | 1944 | CVA-61 | Forrestal | Ranger | 1957 |
| CVA-19 | do | Hancock | 1944 | CVA-62 | do | Independence | 1959 |
| CVA-31 | do | Bon Homme Richard | 1944 | CVA-63 | do | Kitty Hawk | 1961 |
| CVA-34 | do | Oriskany | 1950 | CVA-64 | do | Constellation | 1961 |
| CVA-41 | Midway | Midway ² | ³ 1945 | CVAN-65 | Enterprise | Enterprise | 1961 |
| CVA-42 | do | Roosevelt | ⁴ 1945 | CVA-66 | Forrestal | America | 1965 |
| CVA-43 | do | Coral Sea | ⁵ 1947 | CVA-67 | do | Kennedy | 1968 |
| CVA-59 | Forrestal | Forrestal | 1955 | CVAN-68 | Nimitz | Nimitz | (⁶) |
| CVA-60 | do | Saratoga | 1956 | CVAN-69 | do | Eisenhower | (⁶) |

¹ To become a CVN (ASW carrier) when Midway rejoins the fleet in 1970.

² To rejoin the fleet in 1970.

³ Undergoing modernization.

⁴ Modernized 1953-56.

⁵ Modernized 1956-60.

⁶ Under construction.

Note: Total 18; in addition, there are presently 8 ASW carriers.

Comment

The *Ticonderoga* (CVA-14) was designated an antisubmarine warfare support carrier (CVS) in October 1969. The modernization date for *Roosevelt* (CVA-42) should read 1954-1956, and for *Coral Sea* (CVA-43) should read 1957-1960. There are presently only 4 ASW carriers (CVSs) vice the 8 indicated.

Mr. Chairman, I would also like to include at this point a letter from the Chairman of the Joint Chiefs of Staff:

THE JOINT CHIEFS OF STAFF,
Washington, D.C. April 29, 1970.

HON. CHARLES E. BENNETT,
Cochairman, House-Senate Subcommittee on
CVAN-70, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 28th which asks that I comment on a document which was recently presented at the hearings held by the Joint House-Senate Subcommittee on CVAN-70. In particular, you requested my views on that part of the document which says:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

I am pleased to write you concerning this matter, especially since the statement to which you refer tends to convey an erroneous impression that the Joint Chiefs of Staff entertain the view that all of the United States military tactical fighter aircraft requirements for a Southeast Asian or European major contingency could be met by the use of land-based tactical fighter aircraft. This is not so.

While existing airfields in Southeast Asia and Europe could physically accommodate the number of tactical aircraft required to meet a major contingency in either of the mentioned geographical areas, this could be done only at the unacceptable cost of reduced flexibility and military effectiveness. Airfield space accommodations are only one factor to be considered in determining whether or not to land-base or sea-base tactical aircraft. Each mode of basing, either land or sea, offers unique strategic and tactical advantages not possessed by the other mode. In weighing these advantages, the factors considered must not only include the demands on the use of airfield facilities, they must also consider the geographical areas of operations, threat projections, the availability of the land bases within operating range of expected contingency areas, problem requirements for forces to defend land bases or carriers, the relative vulnerability of land bases or carriers to attack, the existence or absence of logistic prestockage, projected sustained sortie requirements, and the rapidity with which forces may have to be disengaged and reengaged in distant geographical areas.

When all of the operational and planning factors are considered, including those listed above, it is clear that land-based tactical fighter aircraft alone would not be sufficient to meet the United States operational needs for a major contingency in either Southeast Asia or Europe. Rather, these needs require a proper mix of both sea-based and land-based aircraft.

The testimony referred to in your letter also would imply that fighter and attack aircraft constitute the only demands on the use of the airfield facilities located in Southeast Asia or Europe. This also conveys an erroneous impression. The very high traffic loads which could be expected in the event of a major contingency in either of these areas would not allow adequate tactical aircraft support to come only from the land bases located there. To simply state that bases in Europe can accommodate all the

fighter forces required is an unfortunate oversimplification of a vastly complex problem. Such a proposal could not be feasibly implemented without extensive planning and major additional expenditures of United States and allied funds.

The statement referred to in your letter only addresses Southeast Asia and Europe. However, a far more serious basing problem exists with respect to South Korea than in either Europe or Southeast Asia. [Deleted.]

If bases in Japan or Okinawa were available, some fighter and attack support could be obtained by flying extended duration missions using in-flight refueling. However, base overcrowding would still greatly constrain sortie generation and create other major problems. The use of sea-based tactical air forces in support of South Korea would greatly relieve the vulnerability and base density problems. Without support from sea-based tactical air forces, it appears doubtful that air superiority, essential to successful ground operations, could be maintained in Korea.

In summary, while existing airfields in Southeast Asia and Europe could physically accommodate the required number of tactical aircraft, this would be only attained at the price of reduced flexibility and effectiveness afforded by sea-based tactical air forces. Significantly, with respect to Northeast Asia the airfield structure, unsupported by sea-based tactical air, would be inadequate to accommodate the expected level of operations.

I hope that my above comments will assist the House-Senate Subcommittee on CVAN-70 in evaluating the document which you enclosed in your above-mentioned letter. If I can be of any further assistance in this or in any other matter, I shall be pleased to hear from you.

Sincerely,

EARLE G. WHEELER,
Chairman, Joint Chiefs of Staff.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was rejected.

Mr. RYAN. Mr. Chairman, I have three amendments and I ask that my time may be apportioned between all three. Can the Chairman apportion the time between the three?

Th CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair therefore will apportion the time and the Clerk will report the three amendments en gros.

Mr. RYAN. Mr. Chairman, my request was not that they be considered en bloc, but that my time be apportioned. I do not believe it is feasible to consider them en bloc.

Mr. RIVERS. Mr. Chairman, just exactly what is going on?

The CHAIRMAN. The Clerk is reporting an amendment offered by the gentleman from New York (Mr. RYAN).

Mr. RIVERS. Mr. Chairman, I thought I heard someone say "en bloc"?

The CHAIRMAN. The gentleman from New York did not care to have the amendments considered en bloc.

The Clerk will report the first amendment.

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:
Page 6, following line 8, insert the following new section:

"Sec. 403. No part of the funds authorized to be appropriated pursuant to the Act shall

be used to finance the use of American military forces in Cambodia."

Mr. RIVERS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. RIVERS. Mr. Chairman, has the matter not already been disposed of? That is why I asked the gentleman to let me know what was going on. Has not the Cambodian issue been disposed of?

The CHAIRMAN. This is a different amendment.

Mr. RIVERS. That is what I would like to find out.

Mr. Chairman, I ask unanimous consent that the amendment be re-read.

The CHAIRMAN. Is there objection to the unanimous-consent request to have the amendment re-read?

There was no objection.

The CHAIRMAN. The Clerk will re-read the amendment.

The Clerk re-read the amendment.

Mr. RIVERS. Mr. Chairman, I make a point of order. This bill does not deal with the paying of the salaries of military personnel. That comes under housekeeping and does not require authorization. This bill has nothing to do with that subject matter, and the amendment is subject to a point of order. That would come under the appropriation bill for housekeeping, for operation and maintenance.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. RYAN. I do not wish to take my time to answer a point of order, Mr. Chairman. I believe the amendment clearly is in order. It is a provision which prohibits the use of funds in this bill to finance the use or the deployment of American military forces in Cambodia. It is very clear what it does. Funds in this bill cannot be used to support U.S. military operations in Cambodia. If the Reid amendment was in order, then this is in order. Unfortunately, the House was deprived of an opportunity to have a vote on the Reid amendment, because of the adoption of the Findley substitute, and I believe this issue should be squarely before the House.

Mr. RIVERS. Mr. Chairman, this bill does not have any money in it for that purpose. This is a procurement bill and a research and development bill. It has no funds whatever to pay personnel for doing anything.

The amendment is subject to a point of order, and I do make the point of order that it is not germane to the title or to the bill.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair feels that this amendment attempts to bring into the legislation something that is not germane, and therefore the Chair sustains the point of order against the amendment.

The Clerk will report the second amendment offered by the gentleman from New York (Mr. RYAN).

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:
On page 5, strike out lines 5 through 15, inclusive.

Mr. RYAN. Mr. Chairman, this amendment would strike from the bill section 401. Section 401 is an open ended authorization for the funding under this act or any other act of the so-called local forces in Laos and Thailand and of Vietnamese and other free world forces in Vietnam. It is the widest authority possible for the executive branch to continue doing what it has already done in Cambodia; that is, to arm and supply South Vietnamese troops to undertake to spread the entire conflict throughout Southeast Asia. It is an invitation to the Executive to arm and supply Thai forces and Laotian forces and to use them as mercenaries throughout Indochina.

Passage of the military procurement bill as it now stands—with section 401 intact—will be an implicit endorsement of the unauthorized, unilateral action taken by the President last week. And it will constitute carte blanche for him to continue on his course of attempted military solution to problems which can only be resolved by political settlement.

Moreover, the open-ended language of section 401 contrasts with Public Law 89-367, which section 401 amends, and which at least—although this is small solace—imposed a ceiling on expenditures. In the light of the events of recent days, we should be restricting the President's ability to engage the United States—directly or indirectly—in military conflict. And yet, section 401 by its open-ended funding, expands it.

More wars must be avoided. Conducting foreign and military affairs by trampling over the public's and the Congress' right to know must end. How many more Vietnams must be experienced before there is a change in the public and the Congress be damned policy? Over 41,000 dead American soldiers in Vietnam bear witness to the folly which follows when Congress fails to exercise its responsibilities and when Congress is barred from information as to the military ventures the Executive decides to undertake.

It is not possible to discern from the language of section 401, or from the committee hearings, just what the "support" authorized by that provision entails. The House is being asked to vote for an open-ended commitment the nature of which, the extent of which and the consequences of which are obscure and dangerous.

The obscurity is pointed out in the committee hearings. I would point to page 6922 of the hearings—House Armed Services Committee 91-53—at which juncture the chairman of the committee, in his colloquy with Secretary of Defense Laird, referred to a letter received by the Secretary from 10 Members of the House requesting cost information with respect to our operations in Vietnam, Thailand, and Laos.

This letter was sent in December 1969, by myself and nine of my colleagues: Mr. BROWN of California, Mr. BURTON of California, Mr. CONYERS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. KASTENMEIER, Mr. MIKVA, and Mr. ROSENTHAL. It asked, specifically, for information regarding the cost of supporting Thai troops in Vietnam; the cost of

supporting a Filipino construction battalion in Vietnam; the cost of supporting South Korean troops in Vietnam; the cost of conducting U.S. military operations in Laos; and the cost of operating U.S. military bases in Thailand.

The committee hearings give no answer to these questions. In fact, on page 6923, the figures we requested are deleted. What is more, the Secretary of Defense, under the signature of Mr. Richard G. Capen, Jr., Assistant to the Secretary of Legislative Affairs, refused in his letters of February 20, and March 31, 1970, to give us this information, saying that it had been furnished to the House Armed Services Committee.

I do not accept the Secretary of Defense's view that, as Congressmen, we are not to be given information about the cost—and thereby the extent of our involvement—in military ventures. I do not accept the implicit assumption made by the Secretary of Defense that we, as Congressmen charged with the responsibility to represent our constituencies, are to be denied information of the most basic and important concern to every American.

I do not accept the view that a bill should be reported out of committee, and voted on, which authorizes open-ended "support" for operations, the present, future, and past costs of which we are not allowed to know.

This type of conduct of our foreign and military affairs led us to Vietnam. It accounts for our involvement in a secret war in Laos. It accounts for widening the war into Cambodia. It makes the threat of an all-Indochina war very real.

I want to make clear that my amendment is not meant as an attack on the administration's Vietnamization policy, although I have expressed serious reservations about this policy. Deletion of section 401 in no way will impede the Vietnamization program. It will merely require the administration to request specific authorization for support of South Vietnamese forces—authority it should request specifically, so that the Congress may assess the premises of this policy, its successes, and its failures.

In addition, I would hope that, even if this amendment is defeated, the debate on it will mark the beginning of serious congressional scrutiny into the military policies which the executive branch is pursuing and contemplating, and an assertion of congressional control. I believe that we can do no greater service to our country than to exercise the responsibilities so wisely given us by the Constitution.

The CHAIRMAN. The time of the gentleman from New York has expired on this amendment.

The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. The Clerk will report the third amendment offered by the gentleman from New York (Mr. RYAN).

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:
One page 6, after line 8, and a new section as follows:

"Sec. 403. Prior to the award of any contract for goods or services by the Department of Defense, the Army, the Air Force, the Navy, the Marine Corps, or any other Department or agency contracting for goods or services under this Act, approval shall be required from the United States Commission on Civil Rights that the contract to be awarded is in conformance with Executive Orders 11246 and 11375."

Mr. RYAN. Mr. Chairman, this amendment requires, simply, that prior to the awarding of any contract under this act, the U.S. Commission on Civil Rights must approve it as being in conformity with Executive Order No. 11246, which prohibits discrimination on the part of all Federal contractors and requires that they take affirmative action to hire, employ, and promote employees without regard to race, color, or national origin. It also provides that there be conformity with Executive Order No. 11375 which expands coverage to discrimination on account of sex.

The Defense Department has demonstrated that it is either unable or unwilling to enforce vigorously the equal opportunity program. My amendment is necessary to place in the hands of a committed agency the power to review all Defense Department contracts prior to their award, to assure that the contractor is in compliance with the provisions of the President's executive orders.

The Department of Defense has jurisdiction over the largest number of companies doing business with the Federal Government. It has been estimated that as many as three-fourths of all Federal supply and service contracts are with the Defense Department, which has some 20,000 prime contractors and 100,000 subcontractors. Assistant Secretary of Defense Barry J. Shillito has pointed out that "some 5,300 cities and towns have at least one plant or company doing business with the armed services."

The bill before us today authorizes over \$20 billion for procurement by the military establishment. Almost all of this money will be funneled to contractors, and through them, subcontractors, for the acquisition of goods and services. Consequently, H.R. 17123 marks perhaps the most significant piece of legislation in terms of its effect on the economy and on employment that this House considers. Its significance for minority group members seeking employment opportunity is immeasurable, for it is they who have been most victimized in the past—and in the present—and it is they who must look to the Federal Government to require the equality of opportunity that so many employers deny them.

To pass H.R. 17123 without making clear its importance in this regard is unwise. To not assure that its significance is backed up by implementation of Executive Order 11246 is unwarranted. To not particularly emphasize the chances for a breakthrough in employment opportunity which this \$20 billion authorization bill affords is unacceptable—especially in light of the Defense Department's great potential for effecting equal opportunity in employment and its dismal record doing so thus far.

I call particular attention to last year's dealings between the Defense Depart-

and three textile firms—Dan River Mills, Burlington Industries, and J. P. Stevens & Co. Despite the fact that investigations by the Defense Supply Agency, the contracting component of the Defense Department, revealed that three companies discriminated in hiring, promotion, and other practices, these companies were awarded defense contracts totaling \$14 million.

In each case, the requirement established by regulations issued by the Office of Federal Contract Compliance that they be specific, written commitments to correct compliance deficiencies was ignored. Deputy Defense Secretary Packard accepted, in their stead, oral assurances. Not only did this violate the OFCC regulations; the Office of Federal Contract Compliance was not even consulted regarding the awarding of these contracts. In accepting these oral assurances, Deputy Secretary of Defense Packard overruled his own Deputy Assistant Secretary of Defense of Civil Rights, Jack Moscovitz, who had recommended that the contracts be withheld on the ground that the three companies had failed to bar discrimination. What is more, Mr. Moscovitz had advised Deputy Secretary Packard of the necessity for written assurances beforehand.

This action by the Department of Defense clearly was in violation of Federal regulations, yet this fact did not deter the Department from proceeding.

Again the Defense Department erred. In 1968, last year, the Department of the Navy awarded contracts totaling \$128 million to the Ingalls Shipbuilding Co., Pascagoula, Miss., even though equal employment opportunity deficiencies had been documented, and no affirmative action plan existed.

Mr. Howard Bennett, Acting Deputy Assistant Secretary of Defense, Civil Rights and Industrial Relations, acknowledged that the Navy had violated Defense Department's own requirements. Mr. Bennett stated:

"This contract was awarded by the Navy without completing our required pre-award compliance check on equal employment opportunity matters.

Once again, equal employment opportunity deficiencies by a Defense Department contractor—Newport News Shipbuilding and Dry Dock Co.—were discovered just last month. This time, the Navy was the division of Defense contracting with a noncomplying company. While \$700 million worth of new contracts were held up until Newport News noted an adequate affirmative action plan, the fact is that the Navy had more than \$2 billion worth of contracts ongoing at the time the Maritime Administration uncovered the noncompliance, which \$500 million worth of work was yet completed. So not only has the Defense Department shown itself inept in the preaward stages, it similarly has failed to enforce compliance during the awarding of contracts already awarded.

Still another instance of disregard for actively and properly implementing Executive Order 11246 involves McDonnell-Douglas Aircraft Corp., which has been awarded a contract to build

the F-15 jet fighter, for which \$370 million is included in H.R. 17123. The committee report, on page 32, describes the F-15 aircraft as the "highest priority program in the Air Force today." The eventual cost of this program could run as high as \$7.7 billion. And yet, Air Force Secretary Robert C. Seamans, Jr. acknowledged that preaward contract procedures were not followed to insure full compliance with equal opportunity standards.

What is more, not only were the correct procedures not followed, but if they had been, they would have disclosed serious question that McDonnell-Douglas meets fair employment standards in hiring, promotion, and placement of personnel on a nondiscriminatory basis. Only 41 of the company's 4,898 officials and managers were black, and only 60 of its 6,700 professionals were black.

Subsequently, an equal employment opportunity agreement was reached between the Defense Department and McDonnell-Douglas. However, on February 11, Stuart C. Broad, a defense manpower official, asserted that the details of this agreement would not be disclosed, claiming they represented a "trade secret." Thus, not only does the Defense Department enter into a multimillion-dollar contract with a company seriously suspect for noncompliance with Executive Order 11246, it further refuses to disclose to the public the measures to be taken to come into conformance. This secrecy is unjustifiable. It represents arbitrary action which clearly is not consonant with the Freedom of Information Act and which clearly ignores the rights and proper concerns of the very people discriminated against by the company.

It is the height of hypocrisy to provide \$20 billion to buy missiles and aircraft and tanks for our armed services, when the hundreds of thousands of blacks, Puerto Ricans, Mexican Americans, and American Indians who serve in the Army, Navy, Marine Corps, and Air Force, and who will man this equipment, do not adequately receive the Federal Government's protection in assuring equal employment opportunity in those plants and facilities manufacturing this materiel.

It is obvious that the Department of Defense cannot continue to be charged with responsibility for implementation of the equal employment opportunity program, and that the Office of Federal Contract Compliance cannot alone monitor the Defense Department's contracting activities. The optimum solution would be the creation of a new independent agency charged with the responsibility for contract compliance and Federal employment, as well. Until such time as such an agency is created and to deal with the problem today, we can authorize the U.S. Commission on Civil Rights to monitor and approve all contracts of the Defense Department. It is essential that minority groups in this country no longer be ignored, short-changed, and denied their rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MORSE

Mr. MORSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORSE:

Page 6, line 9, add the following new section:

"SEC. 403. Each defense contract or grant entered into by the Department of Defense or any military department thereof pursuant to this bill in excess of \$1,000,000 shall contain provisions effective to require the contractor to define his capability for converting manpower, facilities, and any other resources now used for specific military products or purposes to civilian uses."

Mr. MORSE. Mr. Chairman, I offer this amendment on behalf of the gentleman from New York (Mr. BINGHAM), and myself, but in a very real sense I offer it in behalf of every Member of this House who has within his constituency any defense-related activity. We have seen the extent of the new trend in the last few years, initiated in part by this House last year under the distinguished leadership of the chairman of the House Armed Services Committee and that of the chairman of the Appropriations Committee, in reducing defense spending. The White House and the Department of Defense have done a great deal in this regard, also. We have seen space spending going on a downward curve for the last 5 years. In time this will mean that every single one of our districts will be adversely affected by the economic adjustments that are going to occur as a result of this reduced defense and NASA spending.

The Department of Defense recognizes the importance of the problem and has established within the Office of the Secretary of Defense an Office of Economic Adjustment. My amendment will merely require defense contractors to devote their talent and ingenuity to the problems. I recognize that this is an exceedingly complicated subject and that it is unfair to ask this committee at this time to accept such a far-reaching proposal, but I already have had the privilege of discussing it with the chairman of the Armed Services Committee and the ranking minority member of the committee as well as with the general counsel of the committee, and I would hope we might have the assurance of that leadership that the Committee on Armed Services will consider at some later date in an orderly fashion what I deem to be a very vital subject.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I am happy to yield to the chairman of the committee.

Mr. RIVERS. We could not accept this amendment at this time because it would not be a proper part of this bill. It will require some study, and the gentleman does have my assurance that we will look into it, because it may have something that we ought to consider, if the gentleman will withdraw his amendment. Even if he does not, we will still look into it.

Mr. MORSE. I thank the gentleman for that assurance.

I now yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I am

happy to be associated with the gentleman from Massachusetts on this amendment. It is a matter of tremendous importance to industries today in consideration of how they will convert. It will not be too long, we hope, before this ghastly war is over. There are many industries that are faced with this problem. It requires planning ahead, and this is a constructive approach to it. I hope the chairman of the Committee on Armed Service will see to it that we get real consideration of this proposal.

Mr. RYAN. Mr. Chairman, I welcome and support the amendment offered by the gentleman from Massachusetts (Mr. MORSE). This amendment, adding a new section to title IV of the military procurement bill, H.R. 17123, provides that any contract in excess of \$1 million awarded pursuant to this bill must contain provisions which would require the contractor to define his capability to convert his manpower and facilities from military to civilian uses.

All too tragically, events of recent days make the time when defense plants will be able to convert to civilian production all the more remote. However, if Congress will exercise its authority and cease its abdication to the executive, we may well hasten the day when production of bombers and missiles and tanks ceases.

This amendment serves the worthy end of assuring that peace will not produce economic dislocation. It is derived from H.R. 8043, which I cosponsored, and which creates a National Economic Conversion Commission. At the time of introduction of that bill, I noted on the floor my support for it, and my particular pleasure in the bipartisan support for it, inasmuch as it virtually duplicated H.R. 647, which I had introduced on the first day of the 91st session of Congress.

The need for such a Commission, and such planning as this amendment requires, has been apparent for a long time. I first introduced legislation to create an Economic Conversion Commission during the 88th Congress. At that time, I and Senator GEORGE MCGOVERN, who sponsored the bill in the Senate, hoped that military spending would be decreased sharply, and we recognized the need for conversion planning. Unfortunately, our hope was dashed by the Vietnam war. However, I have reintroduced identical legislation in every Congress since then.

I urge that the House support this amendment, and, thereby, in part, at least, affirm its commitment to assure a prompt end to the tragic conflict in Vietnam and conversion of the military industrial complex to peaceful uses.

Mr. MORSE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

AMENDMENT OFFERED BY Mr. LOWENSTEIN

Mr. LOWENSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOWENSTEIN: Page 6, following line 8 the following new section:

"Sec. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance American military operations in Laos, Thailand, or Cambodia."

Mr. BRAY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. BRAY. This is the same as the Ryan amendment.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. LOWENSTEIN. Yes.

If this amendment is out of order, so is the Reid amendment. This is simply the Reid amendment expanded a bit on the use of ground combat troops for operations. Mr. RYAN did not include Laos and Thailand, which are in fact covered in this bill, but Cambodia is not. So I cannot see how this is out of order unless the whole debate we have had today has been out of order.

Mr. RIVERS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. RIVERS. Supplementing what the distinguished minority member of the committee has said, the gentleman's amendment bears on matters that come under the jurisdiction of the Committee on Appropriations. This bill is primarily a procurement bill and a research and development bill. It has nothing to do with the subject matter that the gentleman from New York seeks to insert.

Mr. BRAY. Mr. Chairman, I have before me the Ryan amendment. It is exactly the same as the Ryan amendment, which has already been ruled out, except that it adds Laos and Cambodia.

Mr. LOWENSTEIN. No. It also makes a change in American military operations and substitutes the word "forces," which comports with the Reid amendment. I do not see how the Reid amendment could be in order and this out of order.

The CHAIRMAN. The Chair is ready to rule.

Based upon the ruling previously made by the Chair on the Ryan amendment, the Chair finds that this is procurement legislation and holds the amendment not germane and sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not spoken on this bill but I have heard a lot of emotional speeches this afternoon one way or the other with several saying the same thing two or three times. It seems to me that in the background a lot of Members were thinking about the young people on the college campuses who are vocal against any action in Asia. We have an obligation to represent those young people on the college campuses who do not want to go to Vietnam, but we also have an obligation to represent the boys who are now in Vietnam. They are not so visible because they could not crawl out of those foxholes and come over here and sit in the gallery and watch the proceeding.

What about the boys in Vietnam? What do they want? If one goes to Walter Reed Hospital and talk to some of those injured soldiers who have returned and they will tell you in a minute that they do not want any sanctuaries. If a member is representing the desire of the boys in Vietnam, he cannot be for sanctuaries from which they can shell our men.

The President has declared that 150,000 combat troops will be withdrawn from Vietnam within 1 year and this would largely leave supply personnel. If it is true that the North Vietnamese have responded by increasing their military offensive ability in the sanctuaries near where our last troops to leave would be located, then it would, of course, be pure suicide to withdraw the combat troops while the ability to destroy our remaining troops had been increased. If the President's claim of large military activity and capacity in the nearby sanctuaries proves to be true, then the only way to pull out the combat troops faster without the risk of losing tens of thousands of Americans in another Dunkirk would be to capture and eliminate the large supply of military hardware the North Vietnamese would be using. Whether the President is right or wrong depends on the quality of his intelligence reports and is not known now by anyone and will not be for several days or a few weeks. If it turns out that there really is no large military capability which is being increased, then it will prove to be a mistake to have gone after the sanctuaries. On the other hand, if large caches of military equipment are captured and great military capability is eliminated there is no way to estimate how many American lives will have been protected and saved as a result. Those of us in Congress are responsible for representing the boys that are exposed in Vietnam as well as those who do not want to go or to support our Southeast Asian alliances.

As I have stated on several occasions during the past 5 years, when American boys are left in a vulnerable position near a sanctuary where the people they are fighting have the complete discretion as to when to strike and pull back, it is bound to result in loss of life for American boys. In this respect, I still think we should either take such action as will reduce our losses pending Vietnamization or else get out faster—one of the two.

The men in Vietnam have wanted the sanctuaries taken care of for the past 5 or 6 years. They want something done about it.

But, to come back to the boys who do not want to go to Vietnam—and that is almost all except the 2 million who have not been there, with them there is a different situation.

But what about them? At the root of their problem is the draft law. In 1967 the President wanted to do something about the draft law to make it more fair. What did the Congress do? This House and the Congress prohibited him from remodeling the draft law so that it would be more fair.

I think that if you want to do something that goes to the root of the problem

on our college campuses, then remodel the draft law.

So I say there are two things that are needed more or more quickly than this hardware bill. One of them is to increase the benefits of those boys in those fox-holes. Too many people don't really appreciate their contribution to our country and I think they deserve more attention. That will treat them more fairly and encourage some additional volunteering.

The other high priority bill that I think we should do something about is amendments to the draft law. And this military hardware bill is of a much lower priority than either one of those.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, what is the change that the gentleman is suggesting that should be made to the draft law?

Mr. SMITH of Iowa. I would largely agree with the President in his proposals on amending the draft law to do away with having second-class citizens so far as deferment is concerned. We have provided deferments to young men who are in college with no obligation to go to service and those who do not go to college are not deferred. Even more important is delaying the decision as to which one out of three or four will be called. Those who are on the college campuses do not know which one of them will have to go and cannot make plans for the next 2 or 3 years.

Mr. RIVERS. The complaint of the gentleman, then, is that there should be no college deferments? That is the only thing the President cannot do.

Mr. SMITH of Iowa. That is the core of the problem, because you have college deferments that are not related to the convenience or benefit of the services.

Mr. RIVERS. I have already introduced a bill—I am not committing myself to it—I am not committing myself—but I have already introduced a bill, just like the gentleman from Louisiana (Mr. HÉBERT), introduced a lottery bill, to remedy the draft law, but it did not do what some people said it would do.

Mr. SMITH of Iowa. The thing that I am disappointed in is that a partial draft remodeling bill was passed last year with an indication that there would be further consideration of amendments and yet we have not remodeled the draft law yet I think it is time that we get something done so far as remodeling the draft law is concerned and that is more important than an authorization bill for hardware.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I understand that there will be a motion to recommit made, as is customary with bills of this kind and, as is customary with this bill it is likely that we are to be faced with what can only be called a shell game. That is, we are not going to be sure what the motion to recommit will be until we actually hear it.

I want to indicate to the committee that it will be the intention of some of us to vote down the previous question on the motion to recommit. The purpose of voting down the previous question will be to permit a rollcall vote on an amendment of real importance. I understand that the proposed amendment will be to insert the Leggett version of the restraints on the use of funds to support combat forces in Cambodia, and in other countries.

So that a vote against the previous question will indicate a willingness by House Members to be recorded on the Leggett amendment. A vote against the previous question is in effect a vote for the Leggett amendment. Only by voting down the previous question can the House have a rollcall vote on the Leggett amendment.

I would hope that the Members would be willing to vote down the previous question because it is time, I think, that the House have a chance to go on record with respect to the expansion of the war in Indo-China and Congress responsibility for this war. In order that Members may know the provisions of the amendment to the recommitment that will be offered if the previous question is voted down, I include here the text of the Leggett amendment:

In line with the expressed intention of the President of the United States, none of the funds authorized by this act, shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress.

Mr. ARENDS. Mr. Chairman, if the gentleman will yield, I might say to the gentleman—and I am not the one who is going to offer the motion to recommit—but I understand it calls for a rather substantial cut in the authorization, and for that purpose I do not believe it is kind or proper that any of us should question the author of the motion to recommit—that it might be something other than what he thinks it is, because this will be a rather substantial amendment in the reduction of the authorization.

Mr. FRASER. Could the gentleman tell us what the motion to recommit will be?

Mr. ARENDS. No. I have seen the motion to recommit, but I cannot actually quote it. I think it is at the desk.

Mr. FRASER. I would just point out that this unavailability of the text of the motion to recommit illustrates the problem we are faced with.

Mr. ARENDS. The gentleman can hear it as it is read.

Mr. FRASER. We will all hear it as it is read, without having it explained, and with no debate on the motion as is customary.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. PIKE. My understanding is that a motion to recommit will be offered by a member of the committee minority who voted for the bill in the committee and who has other wise indicated that he supports the bill and who will now, in order to qualify himself for a token re-

committal, state that he is opposed to the bill.

Mr. FRASER. That will parallel the situation last year faced by those desiring a clear vote on an issue of real importance, as I recall.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman. Mr. LEGGETT. I wonder if I could propound a question to the distinguished minority whip who indicates that he has familiarized himself with the motion to recommit, but apparently does not recall the exact text.

Does the gentleman recall whether or not mentioned in the motion to recommit was the ABM or the B-1 or naval shipbuilding or things like that?

Mr. ARENDS. Mr. Chairman, will the gentleman yield so that I may answer the gentleman.

Mr. FRASER. I yield to the gentleman.

Mr. ARENDS. In a hurried reading of the motion to recommit, I think it has to do with research and development entirely, and has to do with the overall reduction in research and development.

AMENDMENT OFFERED BY MR. COLLIER

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLIER:
On page 6, after line 8, insert the following:

"Sec. 403. The Comptroller General of the United States is authorized and directed to report to Congress as soon as practicable with respect to the economic feasibility of the deactivation of the facilities of the Forest Park Naval Ordnance Station, Illinois; and until such time as such report is made and the Congress takes action thereon, none of the funds authorized to be appropriated under this Act may be used for the procurement of those weapons or related goods or services which, but for a decision by the Secretary of Defense to deactivate the Forest Park Naval Ordnance Station, would have been procured at such Station during the fiscal year 1971."

Mr. RIVERS. Mr. Chairman, this amendment is subject to a point of order. I think the gentleman will agree with me on that. This is not a construction bill.

Mr. Chairman, I reserve the point of order so that the gentleman can speak to his amendment.

Mr. COLLIER. Mr. Chairman, I thank the gentleman from South Carolina. I shall be very brief in explaining the reason for my introduction of this amendment.

When the Department of Defense ordered a series of cutbacks in various defense facilities in March, one of them was a transfer of the activities of the Forest Park Naval Ordnance Plant which is in my district.

Mr. Chairman, in announcing the proposed disestablishment of that facility, the Department indicated that the savings involved would be approximately \$4,200 a year and the cost of moving would be in the neighborhood of \$10.1 million.

However, an in-depth study of what was really involved there indicated the Department of Defense was completely inaccurate in its figures. In fact, I contend the figures are pathetically incorrect. After a series of hearings changes were made by the Department of Defense in their original figures.

The fact of the matter is that this move will not—and I will stand on this and on a study by the General Accounting Office—that instead of saving money, the proposed action will cost several million dollars. I want the House to know that a subcommittee on which the distinguished gentleman from California (Mr. CHARLES H. WILSON) serves made a trip out there. I feel sure the committee and staff members were favorably impressed with the case we made.

I think this amendment should be adopted. All we are saying is this—let us have a study of the figures. Let the General Accounting Office decide if we are right or the Department of Defense is right. We will abide by the GAO decision.

If I am wrong, or if the General Accounting Office says we are wrong, then there will be no further argument. Could anything be fairer?

Let me now yield to the gentleman from California (Mr. CHARLES H. WILSON), member of the subcommittee that visited the plant at Forest Park and had occasion to study this matter.

Mr. CHARLES H. WILSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I was in Forest Park and I want to tell you I was extremely impressed with the case that was made concerning this. I think many errors were made by the department in connection with the closing of Forest Park station. I think we have an extremely sound case here and it is a just case, whether it is in this bill or wherever it is.

I can assure the gentleman that during the course of our hearings on the military construction bill, we intend to go completely into this matter and find out about all the duplications that are apparently in evidence, and find out just why this is.

Mr. COLLIER. I thank the gentleman. I say the Department of Defense is 100 percent wrong in its estimate, and I will stand on that.

Mr. RIVERS. Mr. Chairman, the amendment is subject to a point of order. While it would be in order on a military construction bill, it has nothing to do with the bill now under consideration.

The CHAIRMAN. The Chair is ready to rule. The Chair feels that the amendment deals with procurement of weapons, that the amendment is germane to the legislation, and therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Illinois (Mr. COLLIER).

The question was taken; and on a division (demanded by Mr. COLLIER) there were—ayes 26, noes 46.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WRIGHT. Are there amendments pending at the Clerk's desk?

The CHAIRMAN. There is one pending amendment.

Mr. WRIGHT. May I inquire further as to who will offer that amendment?

The CHAIRMAN. The gentleman from Ohio (Mr. WHALEN) has an amendment pending, but he has already used his time.

The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN). This amendment is identical to the one I offered last year to the military procurement bill, and as you will recall, it narrowly lost on a teller vote of 100 to 97. A similar amendment, the so-called Schweiker amendment, did pass in the other body last year.

Let me again point out that there is little that is new in this amendment. The quarterly status reports on major acquisition programs and the complementary GAO audits have been operational for about a year now. On page 10 of the Armed Services Committee report on this bill, the statement is made, and I quote:

The Committee on Armed Services has long been concerned with getting more adequate information on military programs and on bringing Congress more fully into the defense decision-making process.

The report goes on to say, and again I quote:

A principal tool available to the Committee in striving for a better fix on weapons programs is the Selected Acquisition Report, or SAR. The SAR is a summary, recurring report, designed to retain consistent cost, schedule, and performance data for comparison with subsequent estimates.

I want to take this opportunity to commend the Committee on Armed Services for fully utilizing the Selected Acquisition Report and for apprising us of its value in their committee report on this bill. I also want to commend the committee on its candor in spelling out the difficulties it has had in obtaining a full SAR report from the Department of Defense and obtaining it on time. Quoting from page 10 of the Committee report:

The manner in which these SAR's are presented to the Committee, however, leaves much to be desired. The Department of Defense has sometimes arbitrarily eliminated statistical information or otherwise altered the material submitted to the Committee. The Committee has had examples of items blocked out of SAR's although the careless censor has not bothered to renumber following pages.

And again on page 11 of the committee report:

This kind of statistical footwork serves no purpose other than to confuse the issue and can only lead to the suspicion that attempts are being made to cover up the facts.

At the bottom of page 11 we find another very telling statement:

The Committee is likewise disturbed by the timeliness with which these SAR's are submitted to the Committee by the Department of Defense. In many cases the Committee has not received the SAR's of Program Status Reports based on the SAR's until as much as three months after the close of the reporting period. This greatly lessens their effectiveness to the Committee, particularly during the period when the annual authorization is being considered.

Mr. Chairman, it seems to me that the committee report makes an excellent case for the adoption of this amendment which would require by law that these quarterly status reports be submitted in full and on time for the benefit of the entire Congress. As it now stands, there is no such pressure on the Department of Defense to fully comply with both the letter and spirit of the reporting system. And as the committee report amply demonstrates, the Department of Defense has been lax in fully cooperating with the Congress on this score.

I do not think there is any longer any question as to the need for these quarterly status reports or their value. We recognize that if we are to prevent the recurrence of huge cost overruns which have plagued past programs, we must have an ongoing review of these programs, we must have an ongoing review of these programs and comparative estimates of changing costs, performance, and schedule slippages. We must be equipped with an early warning device which will alert us to any deviations from the original plans and estimates so that we can nip them in the bud.

The only objection which might be raised against making this reporting system a matter of law is that it will not allow for sufficient flexibility in making changes in the reporting system. Let me point out that such a fear is unwarranted because this amendment both encourages and requires an ongoing review of the reporting system with a view to improving it. This amendment in no way prescribes in detail the form and content of the reporting system other than to require the inclusion of current information on cost, performance, and schedule. It gives authority to the Secretary of Defense in cooperation with the Comptroller General to develop the reporting system; and furthermore, it requires that the Comptroller General to report to the Congress at least once a year on the adequacy of the reporting system along with recommendations for its improvement.

Another flexible feature of this amendment is that it does not prescribe criteria for which major acquisition programs shall be reported on. This is left once again to the Secretary of Defense in consultation with the Comptroller General and the chairmen of the committees concerned. And so, Mr. Chairman, this law has a great deal of built-in flexibility while at the same time insuring that we do receive full and accurate status reports on time.

As I said last year, I think this amendment offers the only fiscally sound approach to dealing with the problems of procurement which we have encountered. We owe this both to ourselves and

the American taxpayer who deserves a dollar's worth of defense for every tax dollar allocated for defense. I strongly urge the adoption of this amendment.

PARLIAMENTARY INQUIRY

Mr. WHALEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHALEN. What is the status of the one pending amendment? Will there be a vote on that?

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Ohio.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: On page 6, immediately after line 8 add the following:

"TITLE V—DEFENSE INFORMATION AND AUDITING OF DEFENSE CONTRACTS

"Sec. 501. The Department of Defense shall keep Congress fully and currently informed with respect to all of the Department's activities. Any Government agency shall furnish any information requested by Congress with respect to the activities or responsibilities of that agency in the field of national security."

"Sec. 502. (a) After January 1, 1971, the Secretary of Defense (hereafter referred to in this section as the 'Secretary'), in cooperation with the Comptroller General of the United States (hereafter referred to in this section as the 'Comptroller General'), shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (A) research, development, testing, and engineering, and (B) production;

"(2) the estimates of cost for completion of the program up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department or agency concerned intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein;

"(6) the estimates as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary shall transmit quarterly to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry out this section."

Mr. WHALEN (during the reading). Mr. Chairman, inasmuch as this is a lengthy amendment, the so-called auditing amendment adopted by the Senate last year and which lost by three votes in our committee, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HUNT. I object.

The Clerk proceeded to read the amendment.

Mr. HUNT (during the reading). Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, I intend to support the Leggett amendment but I do so, in all honesty, with some degree of reservation and reluctance.

I say this because I have long been of the view that the President, as Commander in Chief of our Armed Forces, must have flexibility in the conduct of military operations and that, in many instances, this might preclude prior congressional approval for specific strategic moves.

Today, I am persuaded to support an amendment which would limit presidential flexibility by requiring the prior consent of Congress before committing American group combat troops into Laos, Thailand, or Cambodia. I am persuaded for two overriding reasons. First, our political objectives in South Vietnam, from the very beginning, have centered on securing that country from outside aggression. It was never contemplated, to the best of my knowledge, that American combat forces would be employed outside of South Vietnam in order to achieve security within its borders.

What we have witnessed in recent days has been an overt escalation of the Vietnam conflict by the President, pursuant to his authority as Commander in Chief. We know that the Cambodian adventure was decided upon without consultation of the Congress and we learn that the decision represented a rejection of the caution urged by Secretary of State Rogers and Defense Secretary Laird in favor of the greater latitude which the military has sought since our involvement began.

As I have stated before, in my view it is imprudent and dangerous in the extreme to mortgage our political aims and objectives—which go far beyond troop withdrawals—to the risks and miscalculations which of necessity attend further military operations. It is the worst of poor judgment to do so when the entire chapter in Vietnam has been punctuated by military estimates and actions which have proved disastrously inaccurate, costly, and unproductive.

My second reason for supporting the pending amendment is my strong conviction that the Nation needs and merits some degree of positive assurance that the ill-advised adventure into Cambodia does not represent permanent abandonment of the policy of deescalation to which the Nation previously had been committed. Under the circumstances, unhappily, the Congress is now the only branch of Government which can act promptly and decisively to provide this assurance. Unless it does so, we can only expect exacerbation of the forces that are dividing the people and result in the kind of tragedy that took place at Kent State University earlier this week.

So the Congress really has no alternative, it seems to me, Mr. Chairman, but

to assume responsibility—responsibility which in large measure has been forfeited by the White House.

Mr. WYDLER. Mr. Chairman, this House has to act as a voice of the people and to act responsibly in the face of the situation that now exists.

I was surprised and concerned by the news that American combat forces were involved in operations in Cambodia. I regret that the President found it necessary to take this step to protect American forces.

I do not want the war widened. I do want the withdrawal of American troops to continue.

Now that the action against the sanctuaries has been taken, I hope it will succeed and obtain its objectives. Nothing should be done to endanger American forces and risk our fighting men's lives. Congress should make clear it wants such operations to be limited in time and scope, and I will speak and vote accordingly. Our efforts should be renewed to open an international conference to get a negotiated agreement on Southeast Asia.

We need unity, Mr. Chairman, if we are to achieve peace, not only now in Southeast Asia, but in the years to come all over the world.

Mr. OTTINGER. Mr. Chairman, I have decided not to offer an amendment I intended to introduce today calling for termination of military aid to Arab countries and requesting the President to negotiate the sale of jet aircraft to Israel. The military procurement authorization bill, I am advised, is not the appropriate legislative vehicle for such an amendment since it does not authorize such military aid and the amendment would be subject to a point of order.

To those of my colleagues who intended to support my amendment today, I would like to point out that I have introduced a bill, House Concurrent Resolution 556, with 23 cosponsors, that is essentially identical to my amendment, and I welcome additional cosponsors in the hope that further action on this important subject may be taken.

I want to thank all of those who offered to support my amendment and particularly my friend and colleague, JACK BRINKLEY, Democrat, of Georgia, who worked hard to obtain support for it.

Mr. ADDABBO. Mr. Chairman, in listening to the debate on the Reid-Leggett amendment it would appear that some feel that this type of limitation is wrong, and is something new. I wish to point out that this Congress in the last session passed limitation on military action and that action was fully indorsed by the President. In the Defense appropriation bill of last year we wrote into that law that no ground forces could be used in Laos and Thailand and this country had previous commitments to both these countries.

Mr. EILBERG. Mr. Chairman, I supported the amendments of our distinguished colleagues from California and New York, because the administration's decision last week to widen the war was disappointing and ominous. This is hardly the appropriate time in history to discuss how we got involved in South-

east Asia. We are there and the time is past for us to come home, to sail east, not march west.

There is a mistaken view in some quarters that the war protestors are all young, hairy, wild-eyed, self-publicists interested in using the war as the club to fell the giant America. I submit that this is not the case. As a Congressman, I read my mail very closely and my view is that all America, including middle America and the silent majority finally is exhausted with this year.

Let me read one of those letters:

I am one of the Silent Majority. But it is with a sickened heart that I want to scream my outraged protest at President Nixon's high-handed commitment of American troops to Cambodia.

We are a government of the people, with Congress to act out our wishes, yet this one man has seen fit to override Congressional feelings by escalating this senseless, futile, murderous war into Cambodia.

Please stop this tragedy—stop killing our boys. End this nightmare.

I think the decision to march into Cambodia was mistaken because of the presumptions which went into the making of that decision. It was obviously presumed that if American forces cleaned out these Communist sanctuaries, South Vietnam, particularly the Saigon area, would be safe from new attacks. Well we seem not to learn. Guerrillas do not wait for their larger, better equipped foe to confront them. They flee as have the Vietcong and North Vietnamese from Parrot's Beak and Fishhook. And they wait.

When we leave, they will filter back into these sanctuaries and the American deaths incurred there will be futile. Or else, we can chase the enemy to the Gulf of Siam only to find ourselves bogged down in Cambodia and Laos as badly as we have been in Vietnam.

How many times have we occupied a valley or a ridge in Vietnam, cleared it of the enemy, and then withdrawn, only to find that in a matter of weeks or months, the enemy had returned?

It has been reported in some quarters that the Cambodian action was prompted by this administration's desire to make Hanoi talk sense at the peace table in Paris. I answer that the Vietcong and the North Vietnamese will never come to terms in Paris until they realize that it is not the American presence in Indochina that keeps them from their goals, but the strength of the local governments in Saigon and Phnom Penh.

There will never be peace in Indochina until we leave. And there only will be meaningful negotiations when Hanoi realizes that Saigon can defend itself without American help. Widening the war does not serve that purpose.

The President's decision also raises a serious question about the balance of powers invested in the three branches of our Government.

Article I, section 8, of our Constitution declares:

The Congress shall have the power to declare war . . . to raise and support armies . . . to provide and maintain a Navy.

These are the so-called war powers of the Constitution. The President's action

has raised this serious constitutional question. His failure to consult the Congress, the people's branch of our Government, before taking such a fateful step, compounds the risk to our constitutional form of government.

It has been written that there is no such thing as a good war or a bad peace. As with many aphorisms, this is hard to argue with even though history demonstrates that it has not always been true. But in the case of Southeast Asia, I think it is true. We cannot help those who cannot or will not help themselves. We can not find peace by pursuing war. We keep seeing light at the end of the Vietnamese tunnel, only to discover the tunnel is longer than we thought. We cannot end the bloodshed and the cost, by spilling more blood and spending more dollars. Finally, we can not get on with the job at home, while we are mired down in an endless war overseas.

We must conclude that America's essential interests and security are not at all at stake in Southeast Asia. Even if a military victory were possible—and it is probably not—what would we have gained. A weak government in Saigon or an unpopular government in Cambodia would, after we departed, not stand long even if, as some have urged, we bombed North Vietnam back into the stone age. We are spending an estimated \$30 billion a year in Southeast Asia and the public schools of Philadelphia may not open this fall because of a deficit, variously estimated at between \$30 and \$50 million. We are spending fewer than \$4 billion in Federal dollars on education this year.

Let us not deceive ourselves. The schoolchildren of America are becoming casualties of that war right here at home. We speak bravely of new priorities, education, the environment, but that is all there will be—talk and more talk—until we get out of Vietnam and Indochina and redirect some of those resources here at home.

Ultimately it is this war without end that is tearing America apart. We must end this war for America's sake. Perhaps we could achieve military victory in Indochina, but I shudder at the thought of the cost here at home. Not only the hamlets and villages of Indochina are burning, but so are our cities and our universities.

It is time to withdraw from Southeast Asia. And it is time to pull together. In that patriotic act, we shall save the America we know and love and prevent the grim prospect of a Pyrrhic victory nobody sought and everyone has come to dread.

Mr. BETTS. Mr. Chairman, like everyone else, I am disturbed, distressed, and very much concerned about developments in Southeast Asia. In order to come to some decision I must look to sources that reflect more knowledge of the facts than I have.

For a long time I have claimed that we have allowed the Vietnam situation to build up over a long period of years. In my opinion our foreign aid program of global billion dollar spending has contributed greatly to the present situation. I have never supported it because I always felt that it would lead from one

commitment to greater commitments and eventually result in military involvements. Strangely enough, many of those who shouted loudest for these aid programs are now blaming others for the trouble in Southeast Asia.

I am old fashioned enough to believe that Congress should be asked to commit us to war through a declaration. But going back to 1945, this approach has changed. Under treaties such as the United Nations Treaty and Southeast Asia Treaty we authorize the President to commit troops without congressional approval—only at the request of another country which is party to the treaty. The Constitution specifically states that treaties are the supreme law of the land—supreme over congressional acts.

Therefore, I conclude that our presence in places like Korea and Vietnam is perfectly legal even though not by congressional declaration of war. We are there by treaty which is the supreme law of the land and strangely enough many of the loudest supporters of peace through our United Nations and other treaties are now the loudest objectors to the results they have brought us.

For 25 years we have sat idly by and allowed foreign aid programs and treaties to get us into trouble. Many of those who have said nothing until now expect 25 years to be undone at once.

I believe the President is dedicated to seeing the war in Vietnam end. I believe him when he says that the Cambodian incident is a part of the Vietnam withdrawal plan. I believe him because he has around him people who know more about the situation than I do and can advise him on the best way to end this unnecessary and needless conflict. I feel safer in relying on his judgment than on the inflammatory reactions of rioters and demonstrators.

The President did not send our boys to Southeast Asia. He promised to get them out and every step he has taken seems to me to be directed to that end.

It is easy to say he is wrong and that his plan of withdrawal will not work. But, until I have more proof of this from sources other than campus rebellions, it is my present intention to stick with the President. I hope and pray that in spite of the criticism and abuse that is being heaped upon him, he will succeed.

Mr. CLANCY. Mr. Chairman, I wholeheartedly support H.R. 17123 now under consideration by this body and urge its immediate passage. In my opinion, this bill is one of the most important pieces of legislation to come before Congress each year, if not the most important.

This legislation authorizes appropriations totaling \$20,237,489,000, the bulk of which is for the procurement of urgently needed aircraft, missiles, naval vessels, tracked combat vehicles and other military hardware to keep our defenses at the high level needed at this time. I would like to point out that the total authorization recommended by the committee in this bill is \$34,000,000 less than the amount requested by the Department of Defense. The original request for authorization for procurement and for research, development, test, and evaluation by the Department

of Defense amounted to \$20,271,489,000. In procurement the committee made reductions of \$333,000,000 and \$136,000,000 in research and development. This brought the total reduction to \$469,000,000. The committee did make one major addition which was \$435,000,000 for additional ship construction for the Navy.

By passage of this legislation we make a determination of the defense posture necessary to be maintained by the United States in order to insure our national security. It is very difficult to calculate or assign a dollar value to this proposition. So, too, it is impossible to repair the damage that may be caused by either a lapse of time or lack of effort applied in keeping our defenses secure and strong. If we are to maintain America's role of world leadership in the pursuit of peace, we must not only recognize new forces at work, but we must also help to shape an ever-changing world.

This measure is one which attempts to deal realistically with the responsibilities the United States faces in an uncertain and complex international setting. It endorses a posture of constant readiness of our defenses and it underwrites a policy of diversification of those defenses permitting a flexible response in any contest. It provides for the supplementation and modernization of our defense system in accordance with the contemporary developments of those who challenge our security. Looking to the future, we must define our national interests with careful concern for the lawful interests of other nations. We must recognize that before problems can be solved, they must be better defined and better understood.

The legislation before us takes action in several areas that merit particular note and commendation.

Last year phase I of Safeguard was authorized and funded. The purpose was to give a limited defense system to part of our deterrent force. In addition it would provide operational experience for checking out the system. Modified phase II of the Safeguard anti-ballistic-missile system has been designed to receive appropriations totaling \$1,026 million, the amount of the budget request. Tremendous progress in the technology of mass destruction has been made by the adversaries of freedom. More than ever before in our Nation's history, it is necessary for us to have sufficient weapons and force in our military inventory to survive a massive nuclear attack and to deliver a decisive counterblow. The present rate of building of the Soviet threat and the long leadtime necessary to develop and deploy operational systems make it essential that we continue with the Safeguard ABM.

It is important to note that the Nixon administration has not during its tenure accelerated the previously planned deployment of offensive systems. It has, in fact, been slowed down. The only major change has been the modification of the previously approved Sentinel ABM deployment. This change was not a speed-up, but was a slowdown. The administration has chosen to defer major new weapons decisions as long as possible

pending developments in the strategic arms limitations talks. By continuing with this program we are merely going ahead with programs on which our deterrent policy was formulated by previous administrations.

I realize full well that anti-ballistic-missile defense is not a magical cure-all for the security of the United States nor is it the ultimate defense system. It is evident that technology knows no limits and each decade produces fresh, new challenges and an even greater need for response on the part of the free nations of the world. An essential component in our network of military systems is antimissile defense. It is designed to give America a seamless garment of security in an age of acute danger.

To insure that a technological breakthrough by the enemy against any one element of our strategic force—bombers, land-based missiles, and sea-based missiles—would negate only a part of these forces, \$100 million in authorization for appropriations for research and development for the B-1 aircraft has been requested for fiscal year 1971. I firmly believe that all three elements of our strategic force must be maintained in order to provide an effective deterrent force and a broad ranged war-fighting capability.

The events of the past few years have strengthened the necessity for maintaining a well balanced strategic force. I fully support the B-1 program as it will have a higher penetration speed, quicker reaction time for launch, better electronic countermeasures, larger payload capacity, and greater accuracy with its weapons delivery systems than the B-52 bomber. The B-1's ability to penetrate at lower altitudes and reduced radar cross section are just two of the many technical advances incorporated in this aircraft.

At this time I would also like to state that I firmly support the action in Cambodia recently taken by President Nixon. This decision was truly a courageous act, and the President is to be applauded.

The enemy has occupied sanctuaries on the Cambodian border since 1965. They have made excursions into South Vietnam killing Americans and our allies only to escape across the border to regroup and rear in safety. For years these elaborate bases have been used by the enemy in full knowledge that they would not be pursued. Increased enemy activity within the past few weeks has made it necessary for the President to take decisive action. The enemy left us no other choice. They have been offered every concession at the bargaining table in Paris and elsewhere—all to no avail. I firmly believe that the action now underway will deprive the Vietcong and the North Vietnamese of their hit-and-run capability and will be instrumental in the saving of many lives.

It is important to note that the destruction of these encampments and confiscation of their supplies just prior to the rainy season will prevent the enemy from resupplying and rebuilding their efforts for at least 5 to 6 months.

The President is entitled to a much fairer consideration of his courageous

action than he is receiving as he has put his country and the safety of his men in Vietnam ahead of the possibility of being rejected at the polls for a second term. He has risen above mere politics—as the lives of Americans are at stake. He would not have taken this step unless he was convinced that it was an absolute necessity and in the national interest. I have confidence in the ability of the President to decisively and responsibly direct our operations to bring our boys home sooner.

I was privileged to attend the briefing at the White House where the President explained in detail the Cambodian situation. This meeting was both constructive and meaningful. I firmly believe that the action now underway will not only be instrumental in saving many American lives, but will add impetus to our policy of gradual withdrawal of troops from Vietnam. Evidence presented at the White House and here today indicates that favorable results from this activity are already being realized. The President's action is not aimed at enlarging the war but is a temporary and limited military operation designed to keep American casualties to an absolute minimum and dedicated to bringing the conflict to a speedy conclusion.

I join with others in praying that this operation will accomplish these goals and provide for a just and lasting peace.

In conclusion, the legislation before us today is consistent with the maintenance of a military posture sufficient to deter aggression on the part of those who strive for world domination. In the best interest of this Nation and to insure that America remains militarily strong, this legislation is necessary and highly desirable.

Mr. SYMINGTON. Mr. Chairman, granting there is nothing in the bill before us which warrants the expenditure of funds in Cambodia, are these amendments and the discussions they occasion untimely or academic? I think not since they permit each of us to voice his views on a matter of life and death, not just to a platoon a day of brave Americans, but conceivably to the Republic itself. There may be better days and better ways to discuss these questions but we must seize the way and the day we have.

I passed a group of visitors this morning. Were they Missourians? I asked. No, but Americans nonetheless, they answered. They asked a question which all America could have on its mind, namely, if the Congress were to shut down and go home tomorrow would there be any discernible change in national policies or any less congressional control over them?

Some of us may be persuaded that this is no time to debate foreign policy or Presidential war prerogatives, but tell it to the country. So we do discuss it. And in discussing it we should bear in mind:

First. This is not a question of confrontation between the Congress and the President. It is rather a question of the constitutional responsibility of this Congress in concert with that of the Presidency—the Presidency as an institution. We know the President is only as effective as his advice and information.

We know, too, that we have but one President, but for that very reason we must reassure ourselves that he has not in some way been isolated from the pertinent facts or the most authoritative interpretation of them. If, as we learn, the Secretary of Defense does not know what we are doing and the Secretary of State does not approve it, we lack that reassurance and we worry about it. The President may indeed have no constitutional obligation to consult his Secretary of State, but he does, in fact, have one to consult us in matters of war. This is the nub of the matter of procedure involved. Substantively, we are presented with the argument that the Cambodian adventure has been instituted to save American lives. This raises three immediate questions:

First. How?

Second. If this Cambodian surprise effort is justified in the name of such a worthy cause, what further unannounced steps would this not justify for the same purpose? Today, Cambodia—tomorrow, what part of the world?

Third. Moreover, are not the U.S. lives in jeopardy placed there by policies essentially in question themselves?

If these are important questions, only prior consultation would have enabled the Congress to explore them.

Our Vietnam policy itself if indeed it can be defined at this moment, undoubtedly rests on an interpretation of the requirements of our own national security. Such security depends:

On the credibility and utility of our worldwide commitments, and on the domestic support for them.

With respect to our worldwide commitments, many nations which rely on our support for survival, far from viewing our immersion in Vietnam as proof of the strength of our commitments, see it as reducing our capability to meet them. They cannot be expected to see this strain on our resources as operating to their advantage any more than spokesmen for our urgent domestic priorities.

Indeed, only those American policies which enjoy a strong measure of public confidence can be pursued indefinitely. It is clear that after a decade of inconclusive involvement in Indochina there is a great division in our adult society concerning its usefulness and an almost unanimous opposition to it among young Americans who must fight to sustain it and live with its results.

In the meantime, Congress is called upon to support what many of us believe to be a disorderly policy abroad while preaching order and acceptance of that policy at home. The task would be difficult enough were not the one essential prop removed: prior consultation.

Caught in the tug of solemn Presidential promises and public incredulosity, we have a Hobson's choice between countenancing and perhaps unintentionally encouraging dangerous, fragmentary forces in our society, or supporting increasingly repressive measures to contain them.

The President has given us this responsibility in the name of victory. What precisely is the victory which the President has in mind? Surely there will be no

Arc de Triomphe to march through. The arc, humble yet triumphant, which I foresee for Indochina is the bent back of a rice worker unafraid of war.

To participate in a negotiated compromise which would make this even briefly possible would be a victory. No American initiatives can guarantee permanent peace in the area. Indeed, it would be difficult to believe that the seeds of ancient Asian tribal, national, and religious hostility will not close over our historically brief interruption the day after we leave, win, lose or draw. This would make the justification for persisting as referee for 1 more year equally persuasive for 10 more years or longer.

If it is our unshakable purpose to monitor contending factions in Indochina it is more purpose than we have the power to fulfill. Whatever our purpose is, I know it cannot justify another decade of American blood and treasure. If we must proceed in some fashion for another 12 months, let us use that time to achieve an admittedly interim negotiated settlement of these primeval feuds. This will involve considerable compromise between opposition factions within the South Vietnamese political system—Vietnamization as it were of the peace.

At present no defense is made of the extension of our operations into Cambodia with such a rationale. Until I see clarification of the rationale in line with more reasonable objectives than "victory" I will support amendments like those of Mr. REID and Mr. LEGGETT. I do so out of no lack of concern or respect for our troops or their gallant sacrifices; precisely the contrary, their gallantry and sacrifices fully justify and merit the return to this country in the wake of a judicious settlement that incorporates the splendid victories they have already won.

Mr. PRICE of Illinois. Mr. Chairman, I urge my colleagues to oppose the motion to recommit. As I said last Wednesday, April 20, 1970, the R.D.T. & E. portion of this authorization bill was reviewed in depth this year by a subcommittee of nine members of the Armed Services Committee.

Upon completion of our review, the subcommittee agreed unanimously to recommend authorizations totaling \$13 million less than the amount requested by the Defense Department. The amount recommended in the bill for R.D.T. & E. \$7,265,600,000, is \$30.4 million less than the Congress authorized last year and \$103.2 million less than was appropriated. The amount recommended is also \$528.1 million less than was authorized for fiscal year 1969 and \$956.8 million less than was requested last year.

In terms of actual buying power, this is the smallest R.D.T. & E. program request that has been submitted in the last decade. In terms of actual effort that can be supported by all of the military departments, considering the increased cost of research and development, the fiscal year 1971 authorization represents about a 7 percent decrease from the fiscal year 1970 level of effort.

I believe this budget is rock-bottom for three basic reasons:

First. We have examined the need for

every major project, and believe that only the minimum funds necessary in fiscal year 1971 to assure adequate strength for our future are being provided.

Second. All of the supporting projects, managerial functions and facilities are at bare minimum. There is no slack; and funds have not even been included to meet the increased costs which result from inflation. As requested, this program results in a civilian reduction of nearly 3,000 in the DOD in-house laboratories together with a reduction of 2,000 military personnel. The impact on civilian employment in the industrial sector will undoubtedly be several times greater. Support of universities has been further decreased at the expense of our technology base.

Third. Finally, in consideration of the technological and military challenges which the Nation faces, the subcommittee concluded that a lesser program would not be prudent.

Speaking as one who has been closely associated with Government research and development programs for the past decade, I am concerned about the trend of financial support for our efforts in this vital area at a time when our valuable technological superiority is being challenged strongly from abroad.

The most serious challenge comes from the Soviet Union, whose annual defense-related research and development investment caught up with ours a year or so ago and now substantially exceeds it. During the past few years, Soviet research and development effort has been growing by roughly 10 percent per year while U.S. R. & D. effort has essentially leveled off.

For the entire decade of the 1960's, Soviet R. & D. devoted to military, atomic energy, and space applications grew by about 13 percent per year, and this vigorous growth rate appears to be continuing. Obviously the Soviets continue to emphasize R. & D. for military, space and atomic energy applications.

Looking at the military component alone, during the 1960's the Soviet military R. & D. increased by about 60 percent while the U.S. military R. & D. increased by roughly 30 percent. Overall, Soviet funding for military, space and atomic energy R. & D. is now about \$16 to \$17 billion while comparable U.S. funding is about \$13 to \$14 billion yearly. In the last 2 years the Soviets have also shown considerable concern over the lagging technological level of its civil industrial base and appear to be adding resources to this sector, but not at the expense of continued growth in their defense, space, and atomic energy efforts.

Our past national position of technological leadership is being eroded and today is being challenged seriously by both our friends and our potential enemies.

Some critics of military spending have argued that, because other national needs should be assigned a higher priority in the future, Defense R. & D. is less important than the R. & D. related to these other national needs. Other critics add that the Defense Department has dominated university research far too long

and that this situation should be changed.

The Research and Development Subcommittee of the Armed Services Committee received some interesting facts on these areas during our recent hearings. For instance, over the last 30 years the Defense Department's share of the national research and development activity has declined significantly. In the late 1940's, most of the Federal support of the Nation's research and development was provided through the Defense Department. Today, the situation is quite different:

First. More than half of the total Federal expenditures for research and development—about \$8.2 billion out of \$16 billion—is provided by civilian agencies.

Second. Almost 75 percent of the total national expenditures for research and development—about \$20 billion out of \$27 billion—is provided by civilian Federal agencies and independent—that is, industrial—organizations.

Third. More than 85 percent of the Federal support for academic R. & D.—about \$1.3 billion out of about \$1.5 billion—is provided by civilian agencies.

These facts should dispel the popular assertion of Defense Department dominance. It should make it clear that the Nation's many growing needs for civilian technology are reflected in the changing national pattern of research and development.

I strongly believe that any further reduction to the authorization bill as proposed by the subcommittee will have a very serious effect on the technology base that is so necessary to our future national security. That vital base of research and technology has been declining for the past 5 years.

I agree with Dr. John S. Foster, Jr., Director of Defense Research and Engineering, who recently testified that—

Further erosion of that base will expose the nation to the technologically based threats of the seventies and eighties, protected only by the technology of the sixties.

As a nation, we cannot afford not to adequately support a national program for the social benefit and security of our citizens, and neither can we afford to overendorse one to the detriment of the other. The Defense research and development appropriation authorized in this bill is the minimum required to maintain an adequate defense posture during the decade of the seventies.

Mr. CULVER. Mr. Chairman, I have consistently supported the President's efforts to disengage our forces from the war in Vietnam. I believe the President has made a sincere attempt to deescalate the conflict and to withdraw our troops.

However, in my judgment, the President's decision to extend the war into Cambodia is not consistent with that policy, but on the contrary represents a new and dangerous escalation of the conflict. The President's briefing at the White House last night did not serve to alleviate those fears, but tragically to confirm them.

This violation of the borders of a neutral nation raises the gravest constitutional and international legal questions.

In addition, it was done without prior congressional consultation which we had received every assurance would be forthcoming.

This step is of the most questionable military value and the alleged targets, the illusory sanctuaries, will again be operational in a short time within those areas or others, as they have been for many years.

The seriously adverse international consequences of the President's decision to our greater national security interests have to be acknowledged. This action has propelled us, not into negotiation which would reduce tensions, but into confrontation which only heightens them. The effect has been the increased determination of the Communist Chinese and Soviet Governments to assist even more vigorously throughout Indochina, and unwillingness to participate in recent suggested international forums such as were proposed by Indonesia and France to settle problems throughout Indochina. Moreover, it places in serious jeopardy the strategic arms limitation talks between the United States and the Soviet Union to seek a mutually acceptable agreement to reduce the ever-increasing costs and danger to mankind of the insane armaments race.

Finally and perhaps most important, the extent of this tactical military action has to be carefully weighed in its consequences to the stability and tranquility of our own Nation at this most difficult time in our history.

It is painfully clear that no conceivable objective or rationale for our initial involvement and continued war in Vietnam is worth the cost of the increasingly apparent threat to our survival as a free and prosperous nation.

It makes little sense to profess a determination on behalf of our national honor to be sacrificing on this scale—however noble the purpose—to allegedly enable a small and divided people 10,000 miles from America the opportunity to determine its own future, if in the process we only manage to lose our own Nation's future and repudiate our inspirational past.

Mrs. HECKLER of Massachusetts. Mr. Chairman, a foreign policy which results in a savage disruption and polarization of American society is not a viable policy regardless of its strategic or tactical value unless it is absolutely necessary to the well-being of this Nation. There is no gain to be expected from the move into Cambodia which can possibly make up for the disillusionment and sense of frustration that vast numbers of our citizens feel over their total lack of opportunity to influence our policies.

Nor can any gain come from the Cambodian operation which will make up for the upheaval in our educational system. An upheaval that has already taken four lives and disrupted the academic activities of hundreds of thousands of our youth.

I cannot believe the Cambodian operation was absolutely essential to the success of the President's program of withdrawal. Yet, the President undertook a calculated risk. We must not permit it to broaden the scope of the war nor must

it be permitted to extend the stay of our forces in Southeast Asia. The operation must be concluded immediately and our troops must be withdrawn from Southeast Asia at the earliest possible date.

With this in mind I have, after careful study, decided to cast my vote in favor of the amendments offered by the gentleman from New York (Mr. REID) and the gentleman from California (Mr. LEGGETT). I do so to express my concern over the growing, secret U.S. military presence on foreign soil.

I am concerned that we may be moving in the direction of believing we can substitute military might for diplomacy. I am further concerned the policy decisions and commitments are being made in such a manner as to prevent the Congress from exercising its constitutional right to debate or discuss them. In my judgment, unnecessary secrecy has no place in our form of government and to condone such secrecy to subvert the historical tradition which has brought us our leadership position among the nations of the world.

No administration can be granted a blank check. To convey my concern and to make certain that the Congress, as the voice of the people, be consulted in the formulation of foreign policy, I strongly advocate the Reid and Leggett amendments.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the military procurement authorization bill—H.R. 17123—which as reported by the Armed Services Committee is a disturbing reflection of our failure as a nation—and specifically our collective failure in this body with constitutional responsibility to control Government spending—to carry out a thorough review of our national priorities and put our men and money into areas of critical national need. Not only does this bill prove that we have failed, I see no evidence that we really have tried.

Those of us who find fault with this bill do so, I realize, at the risk of being accused of unwillingness to support our men in uniform or of ignorance of the true threat to our security. Yet, I trust that honest men still may differ on this floor, with the clear understanding that each supports the goal of maintaining our national security.

Mr. Chairman, I believe that we and the American public all must understand that we are discussing only the visible top of the military procurement iceberg. For example, included in this bill are authorizations for major new weapons systems covering only fiscal year 1971 which amount to over \$5.6 billion. Yet current estimates of the total ultimate costs of these systems run as high as \$59 billion, and we all are aware that defense procurement costs have a habit of out-running even the most extravagant initial estimates. Once we have taken the first step into a new program, the next step becomes more defensible, and the next—until we find ourselves in the position of being asked to spend more of the taxpayers' money to protect our initial investment.

I specifically oppose inclusion in this bill of nearly \$1 billion for fiscal year 1971 procurement related to the Safe-

guard ABM system. This is a monumentally expensive commitment to a weapons system that even our best technical minds—including, I believe, at least three of the past Science Advisers to the President—agree has fundamental technical and strategic shortcomings. Not only is the Safeguard system so vulnerable to enemy attack that it will never be able to do the job intended—whenever the administration decides what that job should be—but I am categorically opposed to any new escalation of the strategic arms race at the time when U.S. negotiators finally have begun talking to their Soviet counterparts in the SALT talks in Vienna. I have no objection, let me add, to the projected spending in this bill of over \$500 million for research on anti-ballistic-missile development, as insurance against the eventuality of a tragic breakdown in SALT.

The same comment extends to the expenditures contemplated in this bill for the procurement of Minuteman III missiles with MIRV warheads. It is increasingly evident by the administration's own testimony that our fixed ICBM missile installations are vulnerable to enemy attack, and that a far greater degree of security would be afforded by new development of underwater systems—if a higher degree of security were required. I fully agree with the position taken by an overwhelming majority of the Members of the other body, which recently voted 72 to 6 in favor of our proposing in Vienna an immediate interim freeze on the development and deployment of both ABM systems and MIRV warheads, to increase the chances for success in SALT.

In addition, the Armed Services Committee has included in this bill an additional \$435 million for new ship construction, above and beyond the Defense Department request. Mr. Chairman, it is not my experience that the budget requests of our military planners are overly modest. I trust the Joint Chiefs of Staff to make at least adequate provision for funds they consider necessary to our national defense. At a time when we are supposedly fighting inflation, and when the Navy already has asked the requisite sums for its ongoing \$30 billion modernization program, I find this additional authorization by the Armed Services Committee incredible.

Furthermore, I am opposed to the inclusion in this bill of authorizations for military procurement which in effect are circumventions of the annual authorizations for military and economic aid. If we are to vote on funds for the military assistance of Laos and Thailand, let us do so openly, not under the guise of our own U.S. defense procurement.

Finally, Mr. Chairman, I think we all should keep in mind as we vote that this is the bill which pays for the equipment to continue the war in Vietnam, indeed in all of Indochina. Our armies move only through a vast mechanism of procurement and supply, and voting "no" on this bill is one means we have to tell the people and the President that we are prepared to finance the reduction of the numbers of U.S. troops in Indochina and their gradual withdrawal, but not an es-

calation or even a status quo continuation of the war.

I shall vote against this bill, Mr. Chairman, but not—as some of its more zealous proponents might say—because I am unpatriotic, or uninformed of the true threat, or unsympathetic to the needs of our Armed Forces. I shall vote against it because it perpetuates all the dangerous misconceptions of the past—a guide to present policies—policies which I fear are rapidly serving to tear apart the fabric of our society.

Mr. COHELAN. Mr. Chairman, I am voting against the military procurement authorization bill. The amount of the bill, and the various weapons systems included, commits the United States to current and future weapons commitments that are subject to the most serious strategic and political considerations and leave many questions which have not been adequately answered in my judgment.

From my perspective, the decision to go ahead with the deployment of the land-based multiple-warhead missile carries with it serious strategic consequences, not only for the SALT talks but also for an uncontrollable nuclear arms race. It was for these reasons that I offered the amendment to delete the MIRV authorization at this time. Unfortunately, my amendment was not accepted by the Committee of the Whole House where there is no record vote.

The unanticipated and unilateral decision of President Nixon to widen the Vietnam war by committing American ground forces into Cambodia and the resumption of the bombing of North Vietnam has strongly contributed to my decision to vote against this bill. I have strongly supported the amendments designed to assert congressional control of our foreign policy. Unfortunately, these amendments were also defeated.

There are other aspects of this bill that are disconcerting. I have talked about the ABM system. I have for years opposed the construction of this untested system and now a further deployment compounds the initial error.

Many of my colleagues may recall how I fought to have this House accept vitally needed education funds. The total of these funds was \$1.2 billion over the President's education budget for fiscal year 1969, and now the administration blithely announces that the Safeguard ABM system will cost \$1.6 billion more than originally estimated. The future of America—its children—are traded off against the ABM system that does no work. We know what the objective is in education—the elimination of ignorance. Unfortunately, the same cannot be said for the ABM. Is it the Chinese threat, the Soviet threat, the accidental launch threat? No. I feel the real threat in this bill is mistaken priorities.

There are other items in this bill which reflect these inverted priorities. The line item for a nuclear carrier is an example.

I have noted my objections to the weapon systems—objections based on what I feel are future consequences. While this is a supply bill, my added reasons for voting against it include my protest of the President's action in

Cambodia. The damage to our country—our people—is not speculative. It is apparent throughout the Nation at this moment. Congress must assume its responsibilities. It must exercise some control and oversight.

Mr. Chairman, there are other items at the problem still remains one basically of mistaken priorities. I am hopeful that when the conference report on this bill comes back to the House I will be able to support it. I yield to no man in my desire for an adequate defense system, but I feel this bill goes far beyond our needs. Moreover, it siphons off needed funds required for our pressing domestic problems in order to fund questionable military weapon systems.

Mr. VAN DEERLIN. Mr. Chairman, although the RECORD will not show it, I supported the Leggett amendment to require the President to obtain the consent of Congress before committing U.S. ground forces in Laos, Thailand, or Cambodia.

Many of our citizens are deeply concerned about the widening of the war in Southeast Asia. My own mail has been running more than 3 to 1 against the decision of the President to assign U.S. troops to an invasion of Cambodia. As late this afternoon, I had received 182 letters, telegrams, and phone calls opposing this action and 56 communications favoring it.

I am deeply disappointed that the House has been unable to express any view at all on this very divisive issue in the legislation now before us. I think we owe it to our constituents to let them, as well as the White House, know where we as an elective body stand.

This afternoon's exercise has not been entirely fruitless, however. Those who question the President's action have done as far as they could under our House rules to express individual doubts. And perhaps the President will be moved some way by the fact that 132 Members, nearly 40 percent of those voting, were counted in favor of Mr. Leggett's amendment.

Mr. STOKES. Mr. Chairman, once again the Congress is being asked to ratify a military authorization bill which reflects little rational relationship to our country's realistic strategic needs. This observation is in part borne out by the simple fact that at least a dozen amendments are being offered to delete various authorizations, a majority of which will come from members of the Armed Services Committee.

The immensity of programs and projects covered by the bill virtually defy in-depth analysis. This is obviously one of the great advantages the Pentagon brings to the political arena. Fortunately, those Congressmen and private citizens interested in restraining exorbitant military spending and recycling some of these funds into solving our immense domestic problems have finally recognized this advantage and have begun a systematic survey of our entire defense posture.

The early results of this work shows more clearly than ever the folly we have pursued in the past, and will continue to

pursue today should these amendments continue to fail.

While I support all of the amendments which will be offered, two seem so essential that their passage can only be termed vital to our national interests.

The first was offered by the gentleman from California (Mr. LEGGETT) last Thursday which would have eliminated funds for the Safeguard ABM system. By authorizing \$665 million for the ABM, the House has given its endorsement to erection of an immensely costly missile defense system that promises the American people absolutely no protection from the dangers, both real and imaginary, it purports to deter. As I stated during consideration of the fiscal year 1970 authorization bill last fall, all evidence indicated that the system will not properly function; that even if it did function it would be easily overwhelmed in a Soviet attack; and, that ABM deployment constitutes a continuing threat to the strategic arms limitations talks. I would add that it also unjustifiably raises false hopes of security for our citizens, and has become an appropriate symbol of military overspending. Its passage was a tragedy which we can only hope the Senate will rectify.

However, a second and even more important amendment is still before us. This substitute, again offered by the gentleman from California (Mr. LEGGETT), would place a complete prohibition against spending any money authorized by this act to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without prior congressional assent.

I would first emphasize to my colleagues who are supporting the current madness the President is pursuing in Cambodia that passage of the Leggett amendment will in no way restrict him. The law will not take effect until July 1, and by the President's own definitive statement our troops will have been removed by that date.

Second, I would remind you that this would not prevent future use of troops outside of South Vietnam. It would merely place the President on statutory notice that any further such actions must have the expressed consent of the elected representatives of the American people. Do the proponents of escalation fear such a test? The opponents do not.

Mr. Chairman, the lessons of history are often subtle and subject to legitimate controversy. I would have thought, however, that the lessons of our involvement in the Vietnam war were not. Yet, the President's rhetoric last Thursday night was framed in the same tired, Pentagon logic which has already cost our country over \$100 billion and almost 50,000 lives thus far in Vietnam. It has now also cost four more lives on a campus near my district, and has greatly accelerated the disenchantment of our entire generation with our system of government. We must stop this horror and stop it now. The best beginning is by passing this modest, reasonable amendment.

Mr. MINISH. Mr. Chairman, the oriental story of Roshomon is a classic, for it successfully demonstrated the elu-

sive quality of truth; in this story each participant perceived a different and contradictory truth about the same event.

We have a similar perception problem with respect to U.S. involvement in Southeast Asia. But now we have sent American arms and troops to Cambodia. However different our perception of that event, one fact is clear. We have carried the conflict over Vietnamese borders into the sovereign nation of Cambodia. Such widened warfare is not a peaceful overture.

Mr. Chairman, neither I nor anyone else in Congress has accepted the need to fight throughout the Southeast Asian continent. Congress must act now, in an effort to preclude further widening of this Nation's involvement in Indochina.

I have in earlier debates in the House requested that Congress demonstrate its obdurate wish for peaceful withdrawal from Vietnam at the earliest opportunity. Today, I make that request again. Let us demonstrate to the administration, and to the Nation, that the Congress desires an orderly and swift withdrawal from Southeast Asia.

The Congress can place restrictions on the Southeast Asian involvement by amending the military procurement authorization bill. The Reid and Leggett amendments to this legislation under consideration would preclude the use of funds authorized by this measure for American ground combat troops into Laos, Thailand or Cambodia without the prior consent of the Congress. This limitation would prevent any sudden and unexpected increase of our involvement in Indochina.

Although the administration has said that crossing Cambodian territory will more swiftly conclude our involvement in Southeast Asia, I must observe that I have heard this before—and with the unfortunate consequences of further involvement.

Let us not forget our young men, who have to fight this war. These are the Nation's future fathers and husbands and leaders. They should not be exposed to needless jeopardy.

I believe the time has come to rely on ambassadors, rather than warriors, to obtain the peace we all want.

Mr. BURLISON of Missouri. Mr. Chairman, reluctantly I am voting for this bill on final passage. I am voting against the previous question. The reason for my position is that there is much in the bill which I feel is unwarranted and wasteful. At the same time, I do not feel justified in voting against funds for military operation when our Nation is at war, though undeclared it may be.

In my judgment, the most glaring example of wastefulness in this bill is the provision which I vigorously opposed last year, that is, deployment of the Safeguard antiballistic missile system. On previous occasions I have gone into great detail as to my reasoning on this issue. Suffice it here to say, the best evidence indicates that the system will not work and it is not needed.

Mr. BURKE of Florida. Mr. Chairman, the decision of President Nixon to move American troops into Cambodia will

either bring us closer to an end of the war in Vietnam or it will result in not only a bigger involvement for us in Asia but will thereby widen the division in our country. The latter will, of course, bring fresh outbursts of rebellion and perhaps what could result in civil war here at home.

In any event, our Nation today is faced with extreme uncertainty. The war in Vietnam is not popular. In Asia we are drifting in limbo and still do not appear to have either the desire or the will to win in Vietnam.

Our young people certainly have the right to be concerned, but it is unfortunate that this great country of ours, which became the greatest nation in the world because of peaceful dialog, namely through our political processes and by way of debate, must now turn to violence in the streets and on college campuses.

A few days ago I attended a briefing at the White House held by the President and others. After talking to the President, I am truly concerned that he not only had an awesome decision to make but that he did so with the best interests of our Nation in mind and to preserve the security of the thousands of American soldiers and other American citizens in Vietnam, Thailand, and elsewhere in Asia.

The purpose of committing troops to Cambodia was essentially to smash one of the Communists' primary sanctuaries from which thousands of enemy troops have in the past attacked our forces in Vietnam. For the President to allow Cambodia to fall and to be completely taken over by the enemy would, I am sure, have jeopardized not only our position in Vietnam but resulted in a heavy casualty rate of dead and wounded Americans. Only time will tell if the President's decision was right or wrong, but he did state to us that we are not going to be involved in a deeper involvement in Asia either in Vietnam or Cambodia.

I have always been committed to the protection of our American troops fighting in Vietnam or elsewhere, and I intend to vote to give the American soldier all that he needs to defend himself. I would like to bring all of them home but, unfortunately, this cannot be done overnight, even though some would like us to believe it can be done.

Abraham Lincoln had his detractors, too, even those who advocated that he surrender.

In the briefing, the President categorically stated:

(a) the 150,000 men he promised to withdraw in his televised speech last month would be withdrawn;

(b) we will not extend ourselves in Cambodia beyond cleaning out the Communist pockets but that speed is essential since we are in a race with monsoon rains;

(c) his decision would be termed wrong by those who demand we get out of Vietnam now, even if we surrender, but that those who accept the premise that we end the war by a just peace for South Vietnam will accept the responsibility required;

(d) the failure to move troops in Cambodia would have resulted in heavy losses of American lives and would have endangered not only our status in Asia but would have posed a very dangerous military problem;

(e) that his action in committing troops in Cambodia did not constitute an invasion of a neutral country since the territory was wrongfully occupied by the Communists and not Cambodians;

(f) that there will be no further undeclared war anywhere during his Administration.

The President's action in Cambodia resulted in the capture of large food and other supplies, such as 167,000 man-days of rice, 150,000 rounds of ammunition, and other weapons including rockets, rocket launchers, and landmines. The action further halted a number of radio communication centers.

It is unfortunate that there are some that were able to arouse the emotions of many around the country to a militant pitch even without first hearing the true reasons. It is difficult for me to understand why there are so many that forget that, whether we agree or disagree with the war, our American boys are fighting and dying in Vietnam. To wave the Vietcong flag and to burn our own flag, as some think is fashionable to do in the face of this, is to me criminal.

Our young people are smart and to participate in demonstrations is treated by some as exciting. But why are there so many that are so easily led by those who proclaim their desire for revolution and the destruction of our American system of government? What inspires these young people to forget that the Communists are our enemies who have instigated and fomented destruction throughout the world? What inspires our young people to follow the anarchistic leadership of those who prefer a totalitarian government to freedom such as we have in this country? What rights do they presume they would have in a Communist-dominated country to protest and speak out against the country's leaders as is allowed in our country? Are they so blind that they have forgotten Czechoslovakia? Have they become so "brainwashed" by the teachings of the revolutionaries that they have been muted against the good things and the good Americans who worked hard to build this Nation into greatness? Have they become so blinded that they cannot recognize that there is a distinction between peaceful dialog and open rebellion in the streets which leads to destruction and even death? What manner of Americans are these youth who proclaim love and peace but promise revolution, destruction, and bloodshed without offering to those that follow an alternative for a better America?

I recognize that we may be at the crossroads of our Nation's destiny, but I implore our young people not to heed those whose actions for revolution will more than likely be the doublecross of their hopes, their dreams, and their future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 30, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes, to close the debate, the gentleman from South Carolina (Mr. RIVERS).

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. Mr. Chairman, what time is it?

The CHAIRMAN. One minute before 7.

Mr. RIVERS. Mr. Chairman, how much time do I have?

The CHAIRMAN. The time has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 952, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on an amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONTE. Mr. Speaker, is a motion to recommit amendable?

The SPEAKER. Not unless the previous question is voted down.

Mr. CONTE. Mr. Speaker, I thank the Chair.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill (H.R. 17123) to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendments:

On page 3, make the following changes:

On line 13 delete the figure "1,647,900,000" and substitute "1,447,900,000".

On lines 14 and 15 delete the figure "2,197,800,000" and substitute "2,097,000,000".

On line 16 delete the figure "2,909,700,000" and substitute "2,709,700,000", and

On line 17 delete the figure "460,700,000" and substitute "410,700,000".

Mr. RIVERS. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent members, and the Clerk will call the roll.

The question was taken; and there were—yeas 248, nays 146, not voting 35, as follows:

[Roll No. 103]

YEAS—248

Abbitt, Bernethy, Fair, Albert, Alexander, Anderson, III, Anderson, Tenn., Andrews, N. Dak., Annunzio, Bends, Brook, Binall, res, Ring, all, Md., lcher, ll, Calif., nnett, tts, aggi, ackburn, anton, ggs, w, ay, inkley, ock, ocks, otzman, own, Mich., own, Ohio, oyhill, N.C., chanan, rke, Fla., rleson, Tex., rton, Utah, sh, rnes, Wis., ell, ffery, mp, rter, sey, erberg, amberlain, appell, ncy, rk, usen, Don H., wson, Del, ller, lins, lmer, nable, beth, wger, ne, nningham, hiel, Va., is, Ga., is, Wis., a Garza, aney, lenback, ney, nins, ine, kinson, n, wdy, wning

Stuckey, Talcott, Taylor, Teague, Tex., Thompson, Ga., Thomson, Wis., Waggonner, Wampler, Watkins, Watson

NAYS—146

Adams, Addabbo, Anderson, Calif., Ashley, Barrett, Blester, Bingham, Boland, Bolling, Brademas, Brasco, Burke, Mass., Burlison, Mo., Burton, Calif., Button, Byrne, Pa., Carey, Celler, Chisholm, Cleveland, Cohelan, Jacobs, Karth, Kastenmeyer, Corman, Coughlin, Culver, Daddario, Daniels, N.J., Dent, Derwinski, Diggs, Dingell, Donohue, Dulski, Dwyer, Eckhardt, Edwards, Calif., Ellberg, Esch, Evans, Colo., Farbstain, Fascell, Ford, William D., Fraser, Friedel, Fulton, Pa., Fulton, Tenn., Galifianakis

Watts, Welcker, Whalley, White, Whitehurst, Whitten, Wiggins, Williams, Wilson, Bob, Winn

Gallagher, Gaydos, Gibbons, Gilbert, Green, Pa., Griffiths, Gude, Halpern, Hamilton, Hanley, Hanna, Hansen, Wash., Harrington, Hathaway, Hechler, W. Va., Heckler, Mass., Helstoski, Hicks, Horton, Howard, Hungate, Roybal, Ruppe, Ryan, St. Germain, Scheuer, Shipley, Sisk, Stafford, Stanton, Stokes, Sullivan, Symington, Thompson, N.J., Tiernan, Udall, Ullman, Van Deerlin, Vander Jagt, Vanik, Vigorito, Waldie, Whalen, Whidnal, Wilson, Charles H., Wolf, Wyatt, Wylder, Yates

Mr. Flowers with Mr. Schneebell. Mr. Yatron with Mr. Taft. Mr. Tunney with Mr. Teague of California.

Mr. FRELINGHUYSEN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened. The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected. The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were—yeas 326, nays 69, answered "present" 1, not voting 33, as follows:

[Roll No. 104]

YEAS—326

Abbitt, Abernethy, Adair, Addabbo, Albert, Alexander, Anderson, Calif., Anderson, III, Anderson, Tenn., Andrews, N. Dak., Annunzio, Arends, Ashbrook, Aspinall, Ayres, Baring, Barrett, Beall, Md., Belcher, Bell, Calif., Bennett, Betts, Bevill, Biaggi, Blester, Blackburn, Blanton, Boggs, Boland, Bow, Bray, Brinkley, Brock, Brooks, Brotzman, Brown, Mich., Brown, Ohio, Broyhill, N.C., Broyhill, Va., Buchanan, Burke, Fla., Burke, Mass., Burlison, Tex., Burlison, Mo., Burton, Utah, Byrne, Pa., Byrnes, Wis., Cabell, Caffery, Camp, Carter, Casey, Cederberg, Celler, Chamberlain, Chappell, Clancy, Clark, Clausen, Don H., Clawson, Del, Cleveland, Collier, Collins, Colmer, Conable, Corbett, Corman, Coughlin, Cowger, Crane, Cunningham, Daddario, Daniel, Va., Daniels, N.J., Davis, Ga., Davis, Wis., de la Garza, Delaney, Dellenback, Denney, Dennis, Dent, Derwinski, Devine, Dickinson, Dingell, Donohue, Dorn, Dowdy, Downing, Dulski, Duncan, Dwyer, Edmondson, Edwards, La., Eilberg, Erlenborn, Esch, Eshleman, Evans, Colo., Evin, Tenn., Fallon, Fascell, Findley, Fisher, Flood, Flynt, Ford, Gerald R., Foreman, Fountain, Frelinghuysen, Frey, Fulton, Pa., Fulton, Tenn., Fuqua, Galifianakis, Gallagher, Garmatz, Gubser, Hagan, Haley, Hammer-schmidt, Hansen, Idaho, Harsha, Harvey, Hastings, Hays, Hébert, Henderson, Hogan, Holifield, Hosmer, Howard, Hull, Hungate, Hunt, Hutchinson, Ichord, Jacobs, Jarman, Johnson, Pa., Jonas, Jones, Ala., Jones, N.C., Jones, Tenn., Kazen, Keith, King, Kleppe, Kluczynski, Kuykendall, Kyl, Kyros, Landgrebe, Landrum, Latta, Leggett, Lennon, Lloyd, Long, La., Lujan, McClory, McClure, McCulloch, McDonald, Mich., McEwen, McFall, McKneally, MacGregor, Heckler, Mass., Henderson, Hicks, Hogan, Holifield, Hosmer, Howard, Hull, Hungate, Hunt, Hutchinson, Ichord, Jacobs, Jarman, Johnson, Pa., Jonas, Jones, Ala., Jones, N.C., Jones, Tenn., Kazen, Keith, King, Kleppe, Kluczynski, Kuykendall, Kyl, Kyros, Landgrebe, Landrum, Latta, Leggett, Lennon, Lloyd, Long, La., Lujan, McClory, McClure, McCulloch, McDonald, Mich., McEwen, McFall, McKneally

NOT VOTING—35

Andrews, Ala., Berry, Bevill, Blatnik, Broomfield, Brown, Calif., Clay, Cramer, Dawson, Edwards, Ala., Feighan, Flowers, Foley, Giaimo, Hawkins, Johnson, Calif., Kee, Kirwan, Langen, Lukens, McCloskey, McMillan, Madden, Meskill, Mollohan, Poage, Pollock, Purcell, Roubush, Schneebell, Stagers, Taft, Teague, Calif., Tunney, Yatron

So the previous question was ordered. The Clerk announced the following pairs:

On this vote: Mr. Andrews of Alabama for, with Mr. Foley against. Mr. McMillan for, with Mr. Brown of California against. Mr. Johnson of California for, with Mr. Feighan against. Mr. Meskill for, with Mr. Foley against. Mr. Stagers for, with Mr. Hawkins against. Mr. Kirwan for, with Mr. McCloskey against. Mr. Broomfield for, with Mr. Clay against. Mr. Roubush for, with Mr. Blatnik against.

Until further notice: Mr. Mollohan with Mr. Berry. Mr. Madden with Mr. Cramer. Mr. Purcell with Mr. Edwards of Alabama. Mr. Kee with Mr. Langen. Mr. Bevill with Mr. Lukens. Mr. Giaimo with Mr. Pollock.

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|----------------|----------------|----------------|
| Nichols | Rostenkowski | Taylor |
| Obe | Roth | Teague, Tex. |
| O'Neal, Ga. | Ruppe | Thompson, Ga. |
| O'Neill, Mass. | Ruth | Thompson, Wis. |
| Passman | St Germain | Tiernan |
| Patman | Sandman | Udall |
| Patten | Satterfield | Van Deerlin |
| Pelly | Saylor | Vigorito |
| Pepper | Schadeberg | Waggonner |
| Perkins | Scherle | Wampler |
| Pettis | Schwengel | Watkins |
| Philbin | Scott | Watson |
| Pickle | Sebelius | Watts |
| Pirnie | Shipley | Weicker |
| Poff | Shriver | Whalley |
| Preyer, N.C. | Sikes | White |
| Price, Ill. | Sisk | Whitehurst |
| Price, Tex. | Skubitz | Whitten |
| Pryor, Ark. | Slack | Widnall |
| Pucinski | Smith, Calif. | Wiggins |
| Quie | Smith, Iowa | Williams |
| Quillen | Smith, N.Y. | Wilson, Bob |
| Rallsback | Snyder | Wilson, |
| Randall | Springer | Charles H. |
| Rarick | Stafford | Winn |
| Reid, Ill. | Steed | Wold |
| Reifel | Steiger, Ariz. | Wright |
| Rhodes | Steiger, Wis. | Wyatt |
| Rivers | Stephens | Wylder |
| Roberts | Stratton | Wylie |
| Rodino | Stubblefield | Wyman |
| Rogers, Colo. | Stuckey | Young |
| Rogers, Fla. | Sullivan | Zablocki |
| Rooney, N.Y. | Symington | Zion |
| Rooney, Pa. | Talcott | Zwach |

Mr. Kirwan with Mr. Taft.
Mr. Tunney with Mr. Dawson.
Mr. ADAMS changed his vote from "yea" to "nay."
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks.
The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered. There was no objection.

MAY 8, NATIONAL DAY OF MOURNING

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing a resolution providing that it be the sense of the House of Representatives that Friday, May 8, 1970, be designated and observed as a national day of mourning for the Kent State University students who have died and for all those who have died in the war in Southeast Asia. On that day, I hope that not a wheel will turn, not a classroom door will open in the width and breadth of our land. For on that day, we will reflect on the death of the four students shot down at Kent State University by the Ohio National Guard. On that day, I hope the President, who has escalated the harsh rhetoric in this country, pauses and reflects on the causal relationship existing between his labeling students "bums" and the Vice President referring to other students as "paranoids" and the death of those four Kent State University students.

By their intemperate speeches, the administration has encouraged the forces that would repress all dissent in our country. By turning a deaf ear to the legitimate grievances of the poor, the blacks, and the young, the President has consciously aggravated their frustrations and increased the violence. This is a terrible abuse of the awesome power of the Presidency. Mr. Nixon was elected to be President of all the American people and not merely those who would further his career and the fortunes of his party. The disrespect not only for dissent, but for human life as well, which the Nixon administration foments by word and action must not continue.

It must be more than can be borne for the parents of those deceased students and distressing to the country at large to have the President in effect place the blame for those deaths on the students themselves. Nothing could be further from the truth. They were needlessly killed. And we must cease this destructive folly of having the National Guard respond to the stones and curses of protesting students with live bullets. We can not permit the National Guard, a conglomeration of callow youths, poorly

trained, to carry rifles armed with live ammunition when brought on our college campuses. That must be stopped immediately. And let us not have an investigation of this tragedy at Kent State by an arm of an administration whose credibility has no currency with our college students. Any investigation of Monday's unpardonable events should be conducted by a group which puts truth above politics and that is independent of any governmental agency.

The only possible saving grace that might flow from the cutting short of the lives of these four young men and women would be our taking appropriate action at home and abroad which would end the brutalities now inflicted upon our own people, our fighting men and those poor citizens of Vietnam, Cambodia, and Laos. Perhaps as a result of the death of Allison Krause, Sandy Scheuer, William Schroeder, and Jeffrey Miller, the Congress will soon enact legislation terminating our military involvement in Southeast Asia and bring all of our troops home.

In recent years, we have had other days of national mourning. Let us not pretend that 1 more day of such mourning can relieve us of the guilt and responsibility which we must continue to bear in the weeks and months ahead. This Nation is to regain its self-respect and the respect of peoples everywhere.

THE RIGHT OF PRIVACY AGAINST JUNK MAIL

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, grim developments in Cambodia and on our college campuses have overshadowed a truly wonderful development which occurred day before yesterday. On Monday, the U.S. Supreme Court handed down a landmark decision which affirms the right of every citizen to bar junk mail and other offensive mail from his home.

This decision underscores the citizen's right of privacy, and his right under the Constitution to reject all types of unwanted and offensive mail. The decision is directed at pornographic mail, and the right of every householder to get rid of pornographic mailing lists, and I am pleased that the Court quite properly interpreted the intent of Congress that the average person has a right to decide for himself what he considers to be offensive.

I commend Chief Justice Burger for this outstanding decision, in the course of which the Chief Justice stated:

Today's merchandising methods, the plethora of mass mailings subsidized by postal rates and the growth of the sale of large mailing lists as an industry in itself have changed the mailman from a carrier primarily private communications, as he was in a more leisurely day, and has made him an adjunct of the mass maller who sends unsolicited and often unwanted mail to every home.

Chief Justice Burger continues: It places no strain on the doctrine of judicial notice to observe that whether me

NAYS—69

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|-----------------|-----------------|----------------|
| Adams | Gude | Ottinger |
| Ashley | Halpern | Pike |
| Bingham | Harrington | Podell |
| Bolling | Hechler, W. Va. | Powell |
| Brademas | Helstoski | Rees |
| Brasco | Horton | Reid, N.Y. |
| Burton, Calif. | Karth | Reuss |
| Button | Kastnemeier | Robison |
| Carey | Koch | Roe |
| Chisholm | Long, Md. | Rosenthal |
| Cohelan | Lowenstein | Roybal |
| Conte | McCarthy | Ryan |
| Conyers | McCloskey | Scheuer |
| Culver | Macdonald, | Stanton |
| Diggs | Mass. | Stokes |
| Eckhardt | Mikva | Thompson, N.J. |
| Edwards, Calif. | Morse | Ullman |
| Farbstein | Mosher | Vander Jagt |
| Ford, | Moss | Vanik |
| William D. | Nedzi | Waldie |
| Fraser | Nix | Whalen |
| Friedel | O'Hara | Wolf |
| Gilbert | O'Konski | Yates |
| Green, Pa. | Olsen | |

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—33

| | | |
|---------------|-----------------|----------------|
| Andrews, Ala. | Foley | Mollohan |
| Berry | Glaimo | Poage |
| Blatnik | Hawkins | Pollock |
| Broomfield | Johnson, Calif. | Purcell |
| Brown, Calif. | Kee | Roudebush |
| Clay | Kirwan | Schneebeil |
| Cramer | Langen | Staggers |
| Dawson | Lukens | Taft |
| Edwards, Ala. | McMillan | Teague, Calif. |
| Feighan | Madden | Tunney |
| Flowers | Meskill | Yatron |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Staggers for, with Mr. Hawkins against.
Mr. Johnson of California for, with Mr. Clay against.
Mr. Blatnik for, with Mr. Brown of California against.

Until further notice:

Mr. Foley with Mr. Berry.
Mr. Yatron with Mr. Cramer.
Mr. Madden with Mr. Meskill.
Mr. Feighan with Mr. Broomfield.
Mr. Kee with Mr. Langen.
Mr. Andrews of Alabama with Mr. Edwards of Alabama.
Mr. McMillan with Mr. Lukens.
Mr. Glaimo with Mr. Pollock.
Mr. Mollohan with Mr. Roudebush.
Mr. Purcell with Mr. Schneebeil.
Mr. Flowers with Mr. Teague of California.

by the pieces or pounds, Everyman's mail is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive.

Finally, the Court concludes:

In effect, Congress has erected a wall—more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence.

This great decision upholds the constitutionality of an amendment to the Postal Revenue and Federal Salary Act of 1967. This amendment, sponsored by the gentleman from California (Mr. WALDIE) empowers any person who finds mail offensive by his own standards to get Post Office Department order, enforceable in the courts, to have his name taken off the mailing list.

This is a Magna Carta for the individual human being in a computerized society. This gives a great boost to the individual, who up to now has been frustrated and unable to stem the flow of unwanted and offensive junk which pours into his mailbox every day.

Now I trust when the Congress considers the postal rate bill, the biggest burden of the increase will go on to the second and third class mailers, and not on Mr. Average Man who mails first-class letters and pays the taxes.

TRAGEDY ON THE KENT STATE UNIVERSITY CAMPUS

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, all of us in Congress are brokenhearted over the tragedy that struck on the Kent State University Campus on Monday.

Four young lives were lost—wasted.

Mr. Speaker, we must ask ourselves, why? The immediate reason is that the Defense Department's special instructions for the Army National Guard riot control were disregarded. The instructions included the following:

Do not load ammunition in any weapons without specific instruction of an officer.
Do not fire any weapon without specific instruction from an officer to do so.

Did any officer order the loading of ammunition? And if so, why?

If those troops were not carrying loaded rifles, there would not be four dead students and 11 others wounded in that small Ohio town.

I should acknowledge here that the people firing those guns were no older, less prone to panicking, than the unfortunate young men and women who were the victims of the fusillade. But somehow I expect more from National Guard troops who supposedly were trained in riot control.

This House voted \$42 million for riot training for National Guard in the last three budgets. At the same time, police forces and other security groups around the country have forged ahead with tactics and techniques to handle disorderly crowds and rock and bottle throwing mobs. The police agencies and the military share their information on this subject.

Why then, with this information in hand, and with hours of riot training behind them, did these troops have to resort to wholesale shooting, that took four lives, to quell the Kent State disorder?

In addition to the immediate reasons for the tragedy there are deeper seated reasons for the tragedy at Kent State University. The students at Kent were protesting the action of the President in expanding the war in Southeast Asia without any shred of constitutional or congressional authority to do so.

Last week in a speech before the House I predicted that President Nixon's action with regard to Cambodia would bring new and far-reaching antagonism in our Nation. Students across the Nation want to participate, they want their elected Representatives to participate, in decisions which so vitally affect their lives. They object violently and understandably to what Scotty Reston in the New York Times called the undue haste and deception of the Cambodia decision.

Today, we, their elected Representatives, can show that we are listening to them and acting for them when we vote for the so-called Reid amendment.

STUDENT UNREST

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, as I address my colleagues today, I do so with a sense of foreboding—a sense of fear that our higher educational system will be destroyed by a tyrannical minority whose idealism has extended to guns, fire bombs, riots, vicious arrogance, and instant gratification.

Our newspapers are filled with reports of wave upon wave of violence across the Nation—some of our outstanding colleges and universities are being torn down to their very foundations by students bent only on destruction of anything that represents authority.

The tension building across the country has been heightened by the tragic deaths of four students at a university in Ohio. Four deaths which need not have happened, but which were the tragic result of dissent which turned into violence.

The tactic of violent confrontation must be abandoned. Dissent in the streets can only produce more violence; chanted slogans only serve to further incite, to strike sparks of provocation.

The overwhelmingly majority of our students are responsible citizens of the United States, preparing to take their place in society. Why should they be denied an education because a virtual handful of students force a confrontation with the school administration? Why should they be forced to relinquish their place in society because a handful of misfits and radicals want a revolution?

We have abdicated our responsibility by letting these radicals destroy our universities. We have sat back while they made our parks untenable, made a shambles of our streets and insulted our flag. We have covered our ears while they chanted the praises of the enemies

of this country. We have watched mob psychology take over the campuses of this country. We have permitted this handful of miscontents to bring this country to the brink of revolution. We have been led to the edge of disaster by activists and revolutionaries.

The most practical and effective place to start accepting our authority as the adult citizens of this country is on the college and university campuses. I do not mean that we should force school administrators to issue a flood of angry edicts. But I do mean that we should stand behind school faculties and urge them to meet demonstrators, not with police, but with expulsion.

Instead of retreating from violent student radicals and agreeing to unlawfully extracted concessions, college administrators should remove student agitators from university life, the most effective way to nullify their non-negotiable demands and the bullying tactics which accompany them. This would restore to the university the atmosphere essential to the higher education of our young people.

A university cannot function without order. Those who disrupt order must leave. Students cannot be permitted to determine when, what and where they shall be taught. Students cannot be permitted to burn down buildings simply because they do not like the courses taught in that building.

Many student radicals revel in violent confrontation for its own sake. The alleged causes and objectives of the movement take second place to the rebellion itself. For the leaders who provide the major impetus to the vanguard of these movements, any cause will do. However worthy it is, it is not important in itself. Its real value to the revolutionary is as a wedge to drive into society's vulnerable cracks and eventually to engineer its downfall. Ask a revolutionary to provide an alternative—he has no constructive answer to give.

There is room in every college and university in the country for student participation, for open dialog and genuine discussion. There is no room for disruption and violence.

Dissent should and will continue in Congress, in the press, on the campuses, and in the homes. But there is no place for violent dissent. The President has called upon all Americans, including the Nation's school administrators, faculty and students, to strengthen their determination to stand firmly for the right which exists in this country of peaceful dissent, and to stand just as strongly against resorting to violence as a means of expression.

THE AMERICAN FLAG

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, a question has been raised about the meaning of Members who today have worn vest pocket handkerchiefs resembling the American flag.

For clarification, I point out that this is a patriotic gesture and in no way should be construed as an endorsement

of the unfortunate desecration of our flag which occurred a few days ago when a person publicly blew his nose on the American flag.

MATSUNAGA: TO SOFTEN CAMBODIA BLOW APPOINT SUCCESSOR TO LODGE IN PARIS

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, President Nixon's action in ordering U.S. combat troops into the neutral nation of Cambodia, coupled with his failure to appoint a successor to Ambassador Henry Cabot Lodge, our former chief negotiator at the Paris peace conference, has been interpreted by the Government of North Vietnam and the Vietcong as a cynical relegation of the peace conference to meaningless palaver.

The President's failure to appoint a new chief for the American delegation at the peace conference has also convinced many Americans that the United States has given up its efforts to end the war in Vietnam and is bent on extending the war in order to achieve a military victory.

Mr. Speaker, during his campaign for the Presidency, Mr. Nixon pledged that he would end the war in Vietnam. If it is indeed his intention to end the war, I strongly urge him to appoint a person of national and international stature as a replacement for Ambassador Lodge at the Paris peace conference. Such action would reassure the North Vietnamese, the Vietcong, our allies, and our own citizens that the United States does indeed seek peace in Vietnam by way of peaceful negotiations.

PLANES FOR ISRAEL

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, many of us had planned to support an amendment today to the 1971 military procurement authorization, relating to a sale of aircraft to Israel.

The author of the amendment which was circulated, after various consultations, withheld offering it because of strategic considerations.

I think this was a wise decision under the circumstances but wish to record my position in favor of the immediate sale to Israel of 25 Phantom jets and 90 Skyhawk airplanes.

Aircraft possessed by the Arab bloc outnumber Israeli aircraft by a margin of 8 to 1, with Egyptian planes accounting for half of that number. And now the startling disclosure has been made that Russia has sent three squadrons of fighter pilots to Egypt.

An ironic sequel to today's debate was just called to my attention on the AP news ticker in the Speaker's lobby, the story being that Egypt today expressed

deep concern over the "extension of Indochina fighting into Cambodia" and strongly condemning what Egypt termed the invasion of a sovereign state.

Not one red penny of American money should go for any military or foreign aid in any shape, form, or fashion, to Egypt, who has vowed to drive Israel into the sea.

NOT CHARITY BUT A CHANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, this is "National Goodwill Week" and I want to add my congratulations and best wishes to the nationwide organization which has done so much for so many. No other organization can boast of such a record of service to the handicapped as can Goodwill Industries. We are indeed fortunate there is such an organization but more important, we are fortunate that there are people who, on a volunteer basis, make this program the success it has been for 68 years.

Each Goodwill Industries is an autonomous, nonprofit community enterprise administered by a volunteer board of directors. In that one sentence, Mr. Speaker, the uniqueness and success of the organization is totally summarized.

Local units are affiliated with the national organization, Goodwill Industries of America, Inc. Every 5 years local units undergo rigid tests for accreditation by the national organization. Presently 140 autonomous units and 44 branch workshops in 184 cities serve our Nation's handicapped. Internationally, 22 countries are served by the Goodwill program.

In my congressional district, Goodwill Industries of the Conemaugh Valley of Pennsylvania was incorporated in 1962 and operated under the Pittsburgh office until 1965 when it became an autonomous unit. A measure of the effectiveness of our unit is shown in the service to 187 people last year with a payroll of \$204,000.

The wages paid by Goodwill Industries is partial indication of the value of the organization in any community, but I submit that the most important aspect of Goodwill is it provides hope.

In 1969, the "Worker-of-the-Year" award went to Mr. Walter Miller, a former coal miner who had lost an arm in the mines. Mr. Miller, a first-rate carpenter and cabinetmaker, does with one arm what most of us would find impossible to do with two arms. This year's "Worker-of-the-Year," voted this honor by her coworkers, was Mrs. Evelyn Grove of Johnstown. Mrs. Grove, a mute, was honored primarily for her efforts in helping to train other handicapped in the local office. Both award winners exemplify the courage and versatility of Goodwill people, moreover, in their moving stories, the effectiveness of Goodwill training and employment policies is manifest.

I am honored to be associated with the local Goodwill Industries as a member of the advisory board. I am fortunate to be able to extend public thanks to the

directors of our local unit, but more specifically, to the citizens who contribute their used goods to the work of Goodwill. After everything else is said, it is the individual citizen who provides the basis for Goodwill's ability to provide a chance, not charity."

LOWERING VOTE TO 18 BY STATUTE RAISES SERIOUS CONSTITUTIONAL QUESTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK), is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker, a serious constitutional question has been raised about the procedure to be used in efforts to lower the voting age to 18. An issue of this magnitude deserves—and indeed requires—thoughtful and careful study.

I have supported the 18-year-old vote since my first days in the Ohio Legislature in 1957. There is growing public support for lowering the voting age, and I believe we are on the threshold of granting our young people a full voice in the political processes which govern their lives.

However, I have strong reservations about taking the statutory route which is adopted in the amendment to the Voting Rights Act of 1965. Some of the reservations are based on the sound arguments made by numerous eminent constitutional lawyers and as well, on the carefully reasoned points made by the President in his letter to Minority Leader GERALD FORD.

I am inserting the President's letter and the correspondence he has received on this subject from constitutional scholars across the country. These statements reflect the grave doubts which exist regarding the constitutionality of extending the rights to vote to 18-year-olds by a simple statute rather than by constitutional amendment:

THE WHITE HOUSE,
Washington, D.C., April 27, 1970.

HON. GERALD R. FORD,
Minority Leader,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote, and strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the

Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE AGAINST CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: When the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections took place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous; but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise: within certain specified limits this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amend-

ment), or failure to pay a poll tax (the Twenty-Fourth Amendment) nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of *Katzenbach v. Morgan*. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in *Katzenbach v. Morgan* authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not literate in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests: the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory in a constitutional sense is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before; it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provi-

sion, because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the States but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To present this challenge to the Court would thus raise equal and opposite dangers: on the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth Amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a broad reading of *Katzenbach v. Morgan*, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved. That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: Constitutional amendment.

Sincerely,

RICHARD NIXON.

YALE UNIVERSITY,
LAW SCHOOL,

New Haven, Conn., April 25, 1970.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A number of the signers of this letter were among the signers of a letter (a copy of which is enclosed) pub-

lished in *The New York Times* on Sunday, April 5, which expressed the view that Congress has no power to lower the voting age in national and state elections by statute. The April 5 letter argues that submission to the states of a constitutional amendment is the appropriate way for Congress, if persuaded on the merits, to proceed.¹

Since it seems not unlikely that the House of Representatives will shortly pass the Voting Rights Bill in the form in which it passed the Senate, and including the Senate rider lowering the voting age, we take the liberty of reiterating to you our view that the rider is unconstitutional. The letters to *The New York Times* from Senator Kennedy (April 7) and Professors Cox and Freund (April 12) have not altered our conclusion.

We wish to add a further consideration: If the Voting Rights Bill comes to you for signature, with the rider, and if you conclude that the rider is probably unconstitutional, we think it is an appropriate exercise of your discretion to veto the bill for that reason. We say this because we think it singularly inadvisable to pass on to the courts issues as to the constitutionality of the hundreds of elections, national and state, which would be affected by the rider within months after its adoption into law. There are serious questions whether these issues will be litigable at all, or promptly so. If the Supreme Court finds these issues non-litigable for any extended period of time, the nation's entire election process will be under a cloud. If, on the other hand, the Supreme Court finds an appropriate "case" or "controversy" within which the constitutional issues can be dealt with, the Court will expectably be faced with agonizing pressures not to frustrate the understandable expectations of millions of young Americans, and not to cast in further doubt the validity of large numbers of elections which have taken place in the interim—pressures which must almost inevitably skew the process of constitutional adjudication. To put dilemmas of this sort to the Supreme Court, especially at this time, seems to us likely to put profound strains on our most sensitive and critically important institutional arrangements. And all this could be obviated by the direct and appropriate mechanism of constitutional amendment.

Respectfully,

ALEXANDER M. BICKEL,
ROBERT H. BORK,
JAN G. DEUTSCH,
LOUIS H. POLLAK,
EUGENE V. ROSTOW.

[From the *New York Times*, Apr. 5, 1970]
AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the Editor: As the *Times* has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitution lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

¹ Professor Jan G. Deutsch, a signer of this letter, did not sign the April 5 letter because he was not in New Haven when that letter was prepared, but he is in substantial agreement with that letter. Two signers of the April 5 letter are not signers of this one: Professor John H. Ely disagrees with this letter; Professor Charles L. Black, Jr., has not had an adequate opportunity (due to the press of other commitments) to think through fully the matters dealt with in this letter.

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on *Katzenbach v. Morgan*, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. *Katzenbach v. Morgan* makes sense as part of the mainstream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why *Katzenbach v. Morgan* is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengeable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

ALEXANDER M. BICKEL,
CHARLES L. BLACK, JR.
ROBERT H. BORK,
JOHN HART ELY,
LOUIS H. POLLAK,
EUGENE V. ROSTOW.

THE UNIVERSITY OF MICHIGAN,
LAW SCHOOL,
Ann Arbor, Mich., April 20, 1970.

HON. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting quali-

fications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I, Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendment respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting for Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina v. Katzenbach*, 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to

deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

The companion case of *Katzenbach v. Morgan*, 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough v. Maryland*, 4 Wheat. 316, in explicating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the

use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York non-discriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literacy requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into the states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constituted an improper voting qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a substantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona v. Power*, 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement as applied to Puerto Ricans in New York City was an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting

right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e., whether it results in an arbitrary classification. Or to put the matter in another way, does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans

against discrimination in view of the historic relationship between the United States and Puerto Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

Morgan as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

Morgan requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation flies in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would endanger all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

PAUL G. KAUFER.

THE GEORGE WASHINGTON UNIVERSITY,
Washington, D.C., April 23, 1970.

HON. RICHARD NIXON,
President of the United States,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: Whatever be the merits of lowering the voting to 18 or some other figure, the proposal to do so by congressional statute rather than by constitutional amendment is a startling proposition with broad constitutional implications going beyond the current issue. It would have been unthinkable a mere half dozen years ago. It remains startling despite the Supreme Court's 1965 ruling in *Katzenbach v. Morgan* sustaining congressional power to substantially modify New York's policy of not allowing non-English-speaking people to vote.

I

We all know that under our federal division of powers the states are expressly authorized to fix voting qualifications for both state and national elections. The grant is limited only by a reserve congressional power regarding the "manner" of holding national elections, and the restrictions derived from the 14th, 15th, and 19th amendments regarding classifications which are based on race or sex or are otherwise invidiously discriminatory or arbitrary.

The fact that the new proposal should be seriously discussed indicates how far we have embraced the idea that constitutional law is simply a legislative process, by legislative votes or judicial votes, of ascertaining and implementing current popular desires or the current judicial understanding of sound policy—with no need to make more than a casual reference to any higher law principle of authorization or limitation. There are dangers in discarding a constitutional system for a fluctuating pressure politics system, because who can know what tomorrow's majority will do?

It is of course trite to observe that constitutional law is not a static system and that the process of judicial review gives us much new constitutional law. But there is one sharp difference. Virtually all of our recent famous cases could be rationalized by elaborating basic principles concededly imbedded in the Constitution—for example the racial integration cases, and the freedom of expression cases. The 18-year-old voting by congressional statute idea, however, runs contrary to an express constitutional provision. It has only the most tenuous support, if any, in a supposed "discrimination" principle.

II

Proponents of congressional power to change the voting age rest their argument essentially on one case, *Katzenbach v. Morgan*, sustaining the Kennedy amendment to the Voting Rights Act of 1965. It was designed to enfranchise Puerto Ricans in New York City who were illiterate in English but literate in Spanish. Although the provision was upheld, a divided Supreme Court had difficulty articulating a satisfactory rationale. The Court referred to supposed congressional findings that with more political clout non-English speaking Puerto Ricans would get a better break in public services in New York City. But there was little evidence. The opinion has a strong "might be" quality on the crucial question of whether or not there was any significant discrimination which voting power might ameliorate. The Court added therefore a distinctly novel theory that Congress has a broad power to interpret the concept of "equal protection" in the Fourteenth Amendment, and that a presumption of constitutionality attaches to a law which Congress asserts is needed to "implement" the Fourteenth.

A ruling which seems to give Congress power by statute to expand or contract the Fourteenth Amendment obviously must be

handled with care, lest we woefully confuse the line between constitutional law and ordinary law. Read more narrowly, and that is all that is needed to sustain the Puerto Rican voting provision, the *Morgan* case rests on a theory of particularized ethnic discrimination by state action which Congress corrected.

III

There are major difficulties in moving from the Puerto Rican voting law to 18-year-old voting, whether *Morgan* be read narrowly or broadly. Regarding voting age there is no discrimination, only a legislative preference for one figure instead of another, in a field where a choice concededly must be made. Realistically, what is the "equality" interest in 18-year-old voting? What are the two groups which arguably must be treated equally? In the racial discrimination field, we totally abolish race as a permissible classification. And when differential wealth creates differential access to benefits, we simply abolish charges; hence the rule that all indigent prisoners can get free trial transcripts for appeal. But there is no distinctive, identifiable group discrimination flowing from a 21-year-old voting rule. Every age from 20 down to 1 is "discriminated" against in the loose sense now being used.

The point is that any age fixed is necessarily arbitrary, and hence poses no constitutional question needing "corrective" Congressional action. It is a matter of open legislative choice, and the Constitution expressly commits that choice to the states, short of a constitutional amendment.

IV

The constitutionally forthright way to resolve the 18-year-old voting proposal is by federal constitutional amendment. Alterations in the basic nature of our body politic should be made on the basis of a national consensus, rather than a legislative logrolling process supported by a novel constitutional dictum. The proposal is precisely the kind of question for which the amendment process exists.

Sincerely yours,

ROBERT G. DIXON, JR.,
Professor of Law.

THE LAW SCHOOL,
COLUMBIA UNIVERSITY,
New York, N.Y., April 23, 1970.

The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing at the suggestion of Mr. Currier to provide a written statement of my views on four specific questions that he asked concerning the proposal to reduce the voting age to eighteen years by Act of Congress.

First. As a matter of policy, I favor the reduction. While any line drawn in terms of age involves an element of arbitrary judgment, I see objective merit in adopting for the franchise the same standard as for military service.

Second. Prior to the decision of the Supreme Court in *Katzenbach v. Morgan*, 384 U.S. 641 (1966), I should have stated unreservedly that the determination of the voting age in federal as well as State elections is a matter for the States. Article 1, Sec. 2 and the Seventeenth Amendment explicitly adopt for Congressional elections the "qualifications requisite for electors of the most numerous branch of the State legislature" and Article 2 commits to the State legislatures the appointment of presidential electors. State power is, to be sure, limited by the Amendments, including most relevantly the equal protection clause of the Fourteenth. But the conventional standards of qualification, such as age, residence, literacy and the like have never been considered to involve unreasonable or invidious classifications vulnerable on equal protection grounds. The Virginia poll-tax case did hold, with three dissenting votes, that to

"introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor" (383 U.S. 663, 668 [1966]). But, whatever may be thought of that decision, age is obviously not irrelevant to qualifications; and since any age criterion involves the drawing of an arbitrary line, fixing the age at twenty-one most certainly is not "capricious".

Under the *Morgan* decision, however, the issue of Congressional authority is not concluded by the fact that State prescription of an age as high as twenty-one satisfies judicial standards of equal protection. For that decision, in sustaining the Congressional abrogation of New York's requirement of literacy in English as applied to citizens educated in Spanish in American-flag schools, gave an entirely new dimension to the power of Congress under Section 5 of the Fourteenth Amendment to "enforce" the provisions of the Amendment by "appropriate legislation." It held that the enforcement power is not limited to striking at State action that the Court would hold forbidden by the Amendment; that it endows the Congress with authority to determine for itself whether a State created discrimination or disability "constitutes an invidious discrimination in violation of the Equal Protection Clause" or is conducive to such deprivation; and finally, that such a congressional determination will be sustained by the Court if it is able to "perceive a basis" on which Congress "might predicate" that judgment (384 U.S. at 656).

If the *Morgan* opinion, in which five of the present members of the Supreme Court joined, is accepted at face value, its logic would sustain Congressional authority to reduce the voting age by statute or, indeed, to supersede any other disability effected by State law that Congress has some basis for appraising as "invidious." But whether the opinion will or should be so accepted is, I think, more doubtful. The facts of *Morgan* did not require such a sweeping theory, since Congress might have considered the New York requirement to have had its roots and been maintained in hostility to certain ethnic groups, their identity varying from time to time. Apart from this, a more stringent standard may evolve for the judicial appraisal of the "basis" of Congressional determinations, especially in situations where no ethnic implication is involved and Congress merely would be substituting its opinion for the State's as to the way to draw a line that must be drawn. Some such development seems probable to me, as it becomes apparent how far *Morgan* in the total implications of the Court's opinion would transcend the purpose of the Fourteenth Amendment, broad as one may grant its purpose was.

I do not think, therefore, one can be certain that an Act of Congress that reduced the voting age would be sustained. It would draw strength from the *Morgan* opinion but in doing so would put it to a test, the net result of which might be its limitation or, indeed, repudiation.

Third. To confront the Supreme Court now with the problem of determining the scope and limits of the *Morgan* doctrine in the testing context of a statutory reduction of the voting age is, in my opinion, a mistake. For any judgment that the Court might render would inevitably threaten its prestige and exacerbate the tensions in the Nation.

The division of the Court in *Morgan* coupled with the new appointments make it almost certain that the Court's decision would entail a sharp division, whichever view prevails. A sustaining judgment resting on the votes of the five surviving members of the *Morgan* majority (including two Justices whose age renders long tenure improbable) hardly would provide a healthy basis for judicial action any would consider the

equivalent of constitutional amendment. A judgment of invalidity would emphasize the instability of constitutional interpretation, while adding to the bitterness of disaffected youth who would resent the deprivation. Believing as I do that the Court is now embattled on too many fronts for the welfare of the institution, I should regard it as a grave misfortune to insist that it take on another major battle at this time.

For the foregoing reason, I consider it to be highly undesirable to attempt to reduce the voting age by Act of Congress. The wise course, in my opinion, is to deal with age as race, color and sex were dealt with in the past and to proceed by resolution of amendment.

Fourth. The constitutional problem with respect to voting age is no different, in my view, in the election of the Congress and the President than in State elections. Article I, Sec. 2, Article II and the Seventeenth Amendment all refer, as I have said above, to State action for the delineation of voters' qualifications. If Congress has a legislative competence within this area, it must be found in the enforcement clauses of the Amendments, whose prohibitions apply generally to the action of the State and would encompass all elections. This was, of course, the theory of the *Morgan* case and is the theory of the Senate's action on the pending measure.

Respectfully,

HERBERT WECHSLER.

THE UNIVERSITY OF TEXAS AT AUSTIN,
SCHOOL OF LAW,
Austin, Tex., April 20, 1970.

HON. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I do not think that the Congress has power by statute to lower the voting age to 18. If one takes literally all of the language in *Katzenbach v. Morgan*, 384 U.S. 641 (1966) then the power to do so exists. I think that the *Katzenbach* case was incorrectly decided and therefore I have no desire to see it pushed as far as might be logically possible. Even accepting for the sake of argument the holding in the *Katzenbach* case, I think it would require a considerable extension of that holding to find the present proposed legislation valid. An argument can be made that to bar persons from voting because they are not literate in English is an irrational distinction within the traditional equal protection doctrine. I do not think that argument can be convincingly made with regard to age. Age limit on voting necessarily must be arbitrary. There is no single specific day in the life of all citizens in which it can rationally be said that they suddenly are informed members of the electorate though they were not so one day before. It is a problem in drawing lines and I think the clear meaning of article 1, Section 2 of the Constitution is that these lines are for the states to draw.

It is my understanding, though I do not have the materials in front of me, that several of the states that have recently lowered their voting age have chosen some age other than 18. This tends to support the view that there is no mystic quality about the age 18 that makes it irrational for a state to refuse to allow a person 18 years old to vote.

The Constitution has carefully formulated provisions for the method of its amendments. I cannot believe that Section 2 of the Fourteenth Amendment upsets those and allows the Congress to make drastic changes in our constitutional scheme simply by legislation.

Sincerely,

CHARLES ALAN WRIGHT,
CHARLES T. McCORMICK,
Professors of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., April 20, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I should like to respectfully express my strong opposition to lowering the voting age by means of congressional legislation.

The Constitution, quite ambiguous in some instances, is rather clear on this matter. Article I, Section 2 and the Seventeenth Amendment leave no doubt that the states have the authority to determine who is eligible to vote even as regards federal elections.

The Fourteenth Amendment prohibits invidious discrimination by the states. It is my opinion, based on reading the congressional debates, that there is a one-to-one relationship between Sections 1 and 5 of the Fourteenth Amendment. In short, Congress can only implement Section 1 of the Amendment, not go beyond it. However this may be, even the case of *Katzenbach v. Morgan*, relied upon by supporters of the Senate bill, links the exercise of congressional power to some finding of invidious discrimination. In view of historical evidence, it cannot be argued that denial of the vote to 18-year olds was thought of as constituting invidious discrimination by those who drafted the Fourteenth Amendment. Nor, do I think, can it be said that this denial constitutes invidious discrimination under any contemporary standards.

There are only two ways of lowering the voting age to 18 (which as a matter of policy I strongly support): either by state legislation or by constitutional amendment. It would be sad, and indeed inconsistent with your pronouncements on the subject of constitutional construction, if your administration should support a bill which shows disregard for the Constitution.

Sincerely yours,

GERHARD CASPER,
Professor of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., April 20, 1970.
The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A short time ago I responded to a request from Senator Kennedy for an opinion on the constitutionality of the bill providing a vote for persons who reach the age of eighteen years. My letter, a copy of which is enclosed, indicated my opinion that such legislation, however desirable, is unconstitutional.

It has occurred to me that the Senate may no longer be in a position to withdraw its approval. I therefore respectfully request of you that, should the legislation be passed by both houses, you exercise the veto power on constitutional grounds. Unconstitutionality of legislation has been the classic ground for the exercise of the Presidential veto. I think it most appropriate in this case.

The States are clearly empowered by the Constitution to set the qualifications for voters at both State and federal elections. The Fourteenth Amendment authorizes Congress to inhibit the exercise of that power if States create improper classifications in specifying electoral qualifications. The present age qualification can hardly be considered such an invalid classification. As a matter of judgment one might choose an age higher or lower than twenty-one. My own judgment would be that eighteen is not inappropriate. But the exercise of that judgment has been clearly delegated by the Constitution to the legislatures of the States.

To treat the Constitutional allocation of power so cavalierly as the pending bill threat-

ens to do is, indeed, an exorbitant price to pay even for a desirable result. I hope that you see it to be your duty to assure that the Constitution is not treated so lightly.

Respectfully yours,

PHILIP B. KURLAND.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., April 13, 1970.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for the reprint of your testimony on the age requirements in the Voting Rights Bill. I am happy to respond to your request for an opinion, but I regret that the opinion does not accord with your own.

It seems clear to me that the power to determine the qualifications for voters in both state and federal elections is, under the specific terms of the Constitution, rested in the States. Certainly this power is limited by the Equal Protection Clause ban on improper classification and invidious distinctions. And clearly Congress has the right to eliminate such discrimination, as stated in *Katzenbach v. Morgan*. But I find it impossible to concur in the view that a line drawn on the basis of age between those who have attained twenty-one years and those younger is such an invalid discrimination. Certainly, if it is, the line between those who reach the age of eighteen and those who are younger is equally invidious.

I agree that the vote could and should be given to eighteen-year olds by the States. But I think that the perversion of the Constitution to accomplish this end is too high a price. One of the major problems from which this nation suffers is a spreading disdain for law, spreading from both the right and the left toward the center. Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

I would hope that those who have taken the road of expediency in this matter by seeking to avoid constitutional requirements will recognize what they are doing soon enough to prevent the passage of the statute.

With all good wishes,

Sincerely yours,

PHILIP B. KURLAND.

CENTER FOR ADVANCED STUDY IN THE
BEHAVIORAL SCIENCES,
Stanford, Calif., April 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year-olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in *Katzenbach v. Morgan*, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. That is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional questions, especially on questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. [See, for example, the careful discussion of the proper

role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).]

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitutional traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in E. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 *Supreme Court Review* 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in *South Carolina v. Katzenbach*). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,

GERALD GUNTHER,

Professor of Law, Stanford University
School of Law (on leave).

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., April 24, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: The pending Voting Rights bill, as passed by the Senate, contains a provision that will lower the voting age to 18 in all elections, federal, state and local. Representatives of the Department of Justice, as I am informed, have expressed doubt whether the Constitution authorizes Congress so to provide by legislation, and have pointed to the shadow of unconstitutional-

ity and invalidity that may be cast upon elections conducted under such a statute. They have suggested that if the voting age is to be changed by federal action, amendment of the Constitution is the appropriate procedure. I am informed that you are interested in receiving an expression of opinion on the matter.

In my opinion, the Constitution does not authorize Congress by statute to provide or require that the minimum age for voting shall be not more than 18 years, or any other stated age. This is a matter that is left to the several States by the Constitution.

Article I, Section 2, of the Constitution provides that the electors in each State for Members of the House of Representatives shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. The Seventeenth Amendment makes identical provisions with respect to electors for Senators. Article I, Section 4, authorizes Congress to "make or alter . . . regulations" as to the "times, places and manner of holding elections for Senators and Representatives . . ." Proponents of the pending legislation do not contend that this authorizes Congress to establish qualifications for voting for Senators and Representatives, and obviously it contains no authorization for Congress to establish qualifications for voting in State and local elections. The Fifteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Nineteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. The Twenty-fourth Amendment provides that the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress shall not be abridged by the United States or any State by reason of failure to pay any poll tax or other tax. The Fifteenth, Nineteenth and Twenty-fourth Amendments also authorize the Congress to enforce their provisions by appropriate legislation. However, it has not yet been suggested that constitutional authorization of Congress to implement by legislation the prohibitions on denial of the right to vote by reason of race, sex, or failure to pay a poll or other tax can be taken to authorize Congress to establish or control voting qualifications on the basis of age.

I have set forth above the Constitution's provisions with respect to voting. I think it clear that none of them authorizes Congress to establish or control qualifications for voting in terms of age. The proponents of the pending legislation do not purport to find authority in any of these provisions explicitly dealing with voting. They turn instead to the more general provisions of the Fourteenth Amendment providing, among other things, "nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws", and providing also, in Section 5, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The proponents of the pending legislation point particularly to the recent decision of the Supreme Court in *Katzenbach v. Morgan*, 384 U.S. 641 (1966) upholding a federal statute providing that no person who had successfully completed the sixth grade in a Puerto Rican school in which the language was other than English should be denied the right to vote in any election because of his inability to read or write English. The election laws of New York required an ability to read and write English as a condition of

voting, and it was held that the New York law was rendered inoperative by the federal statute. Though Judge McGowan in the District Court had argued that the federal statute might be upheld as an exercise of Congressional power with respect to the Territories under Article IV, Section 3 (247 F. Supp. 196, 204 (dissenting opinion)), the Supreme Court clearly and explicitly based its decision upon Section 5 of the Fourteenth Amendment and the Equal Protection Clause, pointing out that the Equal Protection Clause itself had in several recent decisions (*Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington v. Rash*, 380 U.S. 89 (1965)) been held to forbid some state laws restricting the right to vote. The opinion went on to hold that Congressional authority to enforce by appropriate legislation, the provisions of the Fourteenth Amendment, gave Congress a large degree of authority to determine that specific classifications, for voting or other purposes, amounted to a denial of equal protection of the laws.

On parallel reasoning, proponents of the pending legislation assert that Congress may by the same authority determine that voting laws that deny the right to vote to persons 18 years old, or older, constitute a denial of equal protection of the laws.

If I could agree that the Fourteenth Amendment, by virtue of the Equal Protection Clause or otherwise, imposed limits upon the States with respect to qualifications for voting, then I would agree with the proponents of the pending legislation. Within the area in which the Fourteenth Amendment operates, I agree that Section 5 gives Congress a large—even though infrequently exercised—degree of authority to codify, i.e., to give meaning and content to such abstract and undefined terms as Due Process of Law and Equal Protection of the Laws. Soon after the adoption of the Amendment, Congress exercised this authority in limited areas clearly covered by the amendment, and these statutes were upheld in historic decisions of the Supreme Court. *Ex parte Virginia*, 100 U.S. 339 (1880); *Virginia v. Rives*, 100 U.S. 313 (1880); *Neal v. Delaware*, 103 U.S. 370 (1881). More recently, there may be scattered examples of the exercise of this codifying authority (cf., e.g., *State Board of Insurance v. Todd Shipyards Corp.*, 370 U.S. 451 (1962)). A number of legislative proposals for congressional action of general applicability in the field of criminal procedure would turn upon congressional authority to specify, at least in part, the content of the concept of "due process". As Chief Justice Marshall remarked (*Gibbons v. Ogden*, 9 Wheat. 1, 189 (1824)), the Constitution is "one of enumeration, and not of definition". Congressional action attributing specific content to constitutional concepts carries the same weighty presumption of constitutionality that other federal legislation bears.

But both the language of the Fourteenth Amendment and the history of its adoption make it clear beyond doubt, as I believe, that it did not limit, either by the Equal Protection Clause or otherwise, the power of the States to establish and maintain the qualifications for voting. And unless it did limit such power of the States, it gave no other or independent authority to Congress in that area. That the terms and the history of the amendment did not limit the power of the States with respect to qualifications for voting has been demonstrated in the dissenting opinion of Mr. Justice Harlan in *Reynolds v. Sims*, 377 U.S. 533, 589 (1964). The majority of the Court may have ignored this demonstration. It has not answered it. The principal items are as follows:

1. *Language of the Constitution.* As Justice Harlan points out, Section 2 is an integral part of the Fourteenth Amendment, as authoritative as Sections 1 or 5. Section 2 provides:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The Amendment thus explicitly contemplates and indicates the continuing authority of the States to establish the qualifications for voters applicable in State and federal elections. If a State restricts voting in any one or more of the elections specified, the State may have diminished representation in Congress, but its authority to establish qualifications is confirmed by the very terms of the Amendment. And, with reference to specific qualifications, one may note that since Section 2 so explicitly contemplates twenty-one years as the norm for age in voting, it is particularly difficult to believe that Section 1, or action pursuant to it, could require a State to reduce that norm to eighteen or any other figures below twenty-one.

2. *History of Adoption.* The legislative record of approval of the Fourteenth Amendment in the Congress shows abundant explicit statements by the principal supporters and sponsors of the Amendment that it did not impinge upon the power of the States to establish and maintain qualifications for voting. Of these, the statement of Representative Bingham, the author of Section 1, is representative:

"The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States . . . the exercise of the elective franchise, though it is one of the privileges of a citizen of the Republic, is exclusively under the control of the States" (Congressional Globe, 39th Cong., 1st Sess. 2542).

3. *Post-ratification History.* The Fourteenth Amendment was proposed by the Congress on June 13, 1866, and on July 28, 1868, the Secretary of State certified that it had been ratified and was part of the Constitution. On February 26, 1869, less than one year after the ratification of the Fourteenth Amendment, the Congress proposed the Fifteenth Amendment. If the Equal Protection Clause of the Fourteenth Amendment had covered qualifications for voting there would have been no need for the Fifteenth Amendment. Congress by simple statute could have enacted the substance of the Fifteenth Amendment. Yet almost contemporaneously with the ratification of the Fourteenth Amendment, the Congress regarded a constitutional amendment as necessary to prevent disqualification from voting on the basis of race, color, or previous condition of servitude. This belief, of course, was wholly consistent with the limited scope of the Fourteenth Amendment to be derived from the terms of Section 2 and the legislative record of its approval by Congress.

Fifty years later the 66th Congress was obviously of the same mind with regard to the scope of the Fourteenth Amendment when it proposed the Nineteenth Amendment to the States for ratification rather than providing by simple statute that the right to vote should not be denied or abridged by the United States or by any State on account of sex.

It has been within the power of the recent majority of the Supreme Court to ig-

nore the language and the history of the Fourteenth Amendment. But it cannot erase the language, or unmake the history. Therefore it is my opinion that the decisions in *Katzenbach v. Morgan*, 384 U.S. 641 (1966), *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966) and *Carrington v. Rash*, 380 U.S. 89 (1965) are congenitally flawed, and provide no sound basis for Congressional authority to require the lowering of the voting age to 18. In my opinion, the Constitution does not give the Congress that authority.

Respectfully submitted,

ERNEST J. BROWN.

GLUE-ADDICTION PROTECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have introduced a bill that would amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and cement products containing toxic solvents, unless manufactured with a substance having an obnoxious odor, such as a mustard oil.

The purpose for introducing this legislation is to protect our children from sniffing its strangely attractive fumes, and in many instances becoming "glue addicts."

Glue sniffing by children has been a problem in San Antonio—so much so that in 1965 a city ordinance was passed that would ban the sale of glue to minors under 17 years of age. Unfortunately, the ordinance has been labeled by law enforcement officials as unenforceable because "sniffers are not about to file charges against the seller." In other cities there have been attempts to label glue sniffing a "misdemeanor." But as Congresswoman MNK testified before the Interstate and Foreign Commerce Committee recently:

This seems to be directly the opposite to the approach we are making in other areas of drug abuse, namely to prosecute the source and not the victim.

Mrs. MNK went on to testify that in Hawaii inhalation of these toxic fumes from glue, paints and other solvent-containing substances—is a bigger problem than marihuana.

In my own city of San Antonio, the chief juvenile probation officer, Mr. Richard Moreno, recently stated that in January of this year there were 28 glue sniffing referrals with the possibility that two of these were repeat cases. And statistics indicate that in 1969 there was a 70-percent increase in glue sniffing referrals as compared to 1968.

The president of the Mexican American Betterment Organization, Remigio Valdez, Jr., who spearheaded the 1965 ordinance, recently contacted me in reference to recent attempts not only to curtail but to eliminate the source of the problem—legislation to require glue to have a substance having an obnoxious odor. Mustard oil is one such substance which the Testor Corp.—the largest manufacturer of hobby cements—has researched and used for the past 2 years. Testor even offers its research data and the formula for the additive free of

charge or royalty free to any manufacturer of products containing inhalable solvents.

Several States are currently considering legislation such as the one I am proposing, including New York and New Jersey. And California has recently enacted such a statute. The magnitude of the problem has been realized by these progressive States and I would suggest the Congress do also. I would urge that since the health of children all over the Nation is in danger because of our negligence in not eliminating the source of the problem—we should act soon to enact Federal legislation.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—V

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBERSTEIN), is recognized for 20 minutes.

Mr. FARBERSTEIN. Mr. Speaker, last November I introduced H.R. 14816, legislation to require the last date a food can safely be kept on a grocer's shelves to appear on the label of all perishable and semiperishable foods.

Early in April, I released the results of two surveys of District of Columbia supermarket dating practices, which uncovered large amounts of out-of-date food being sold. Such practices are unfortunately not limited to the District of Columbia, but exist throughout the country.

A number of excellent feature articles documenting food coding practices in various cities have appeared in newspapers throughout the country. One of the best was the investigation undertaken by Douglas Bloomfield of the Cleveland Plain Dealer. The results of the investigation prompted the Cleveland Plain Dealer to editorially endorse my legislation in its April 4 and 7, 1970, editions.

I insert the text of the article and the subsequent editorial at this point in the RECORD.

The text of the article and editorial follow:

DATES MASKED ON PERISHABLE STOCK—GROCERY CODE IS FRESH FOOD FOR THOUGHT (By Douglas Bloomfield)

Cryptographers could earn their bread and butter at the neighborhood supermarket—breaking codes.

These codes do not conceal life-or-death secrets. They do conceal information about the freshness of perishable foods from consumers.

These are codes manufacturers put on most of their products, especially perishables. They indicate when the item was packaged (put up date) or when it should be removed from sale (pull date).

Primary purpose of the codes is to allow manufacturers, middle-men and grocers to communicate privately.

Industry sources say there is no need for the consumer to know what the codes mean. The codes are only to help the grocer keep the freshest products on his shelves and remove old ones, the sources said.

Several grocers and middle-men interviewed by The Plain Dealer admitted they did not understand half the codes. The aver-

age supermarket stocks about 4,000 to 8,000 items and there is no uniformity of coding.

A bill in Congress would require perishable foods be marked in plain English with the last date they are safe to sell. The industry calls it needless and too costly.

"The code doesn't mean a thing," said one manufacturer. "You have to sell them quality. If they have confidence, they'll pick it off the shelf."

Not all of his colleagues agree.

"If a lady walks into my store, it's not how much money I make on her in one trip but in how many times she comes back," said one independent grocer. "I can't afford not to have fresh merchandise."

"I've been in the retail food business 30 years and I still don't know most of the codes," he added. "Clear marking would help the grocer in controlling stock."

The freshest stock is generally put at the back of the shelf and older products at the front to sell faster. But consumers are becoming familiar with this practice and reach to the back of the shelf. As a result some grocers are reversing that stocking process.

"Use of code dates is a protection for consumers," said an official of the nation's largest supermarket chain, A&P. "But you've got to remember the consumer is a very difficult person. What are you going to do when you have three or four dates on a shelf?"

A spokesman for Consumers Union, a consumer advisory organization, said, "The consumer is entitled to ask what the code means. He is entitled to take the freshest product on the shelf."

"If everyone knows what the code is they start tearing the display apart to look for what they want," complained Sam Martone, distribution manager here for Continental Baking Co. Open dating "isn't practical because what you're doing is actually confusing the customer," he said.

The confusion could be avoided by using an open or consistent date code. Continental's Wonder Bread, like most other breads, is coded by colored tabs holding the wrapper closed.

Union bakeries here are closed on Wednesday. Bread is delivered every day except Wednesday and Sunday. On Monday the salesman is to remove all old stock and replace it with new. Tuesday there are only additions. Nothing Wednesday. Everything is to be replaced Thursday. No replacements Friday, just additions Saturday, all Thursday merchandise is to be replaced, Friday's remains.

Handling is more important than dating, said industry sources, because food packaging and preservation methods are better than ever.

"Some perishable foods, through proper handling and refrigeration, have longer shelf life in one store than in another," said Dr. David Hill, chief of the foods, dairies and drugs division of the Ohio Department of Agriculture.

"The (openly marked) pull date on perishable foods could mean removing good products from the shelf. If you pull food that's good to make up for the built-in loss you have to raise prices," Dr. Hill said.

"A few people in New York and Washington are interested in this (uniform, open dating), but I wish they'd consider how this would raise food costs," he added. "Manufacturers are basically respectable people. Their business is built on repeat sales. They do everything they can to keep track."

The department has no authority over code dating of food packages.

The U.S. Department of Agriculture has no control. But it does keep track of canning dates for meats. Canners must notify USDA of their codes so it can know what is in the can, when it was produced and where.

The department also requires egg packages be dated, but it is up to the packager whether the date is open or coded and whether it represents packaging or expiration of the product, according to Dr. William J. Minor, chief of the labels, standards and packaging branch of USDA's consumer and marketing service.

Dr. Minor said the department plans to issue a regulation soon requiring egg packagers to stamp the date of packaging on the carton with the consecutive day of the year. He admits this will be difficult for most consumers—they may know 23 is Jan. 23 but it takes some computation to know that 195 is July 14.

Open dating of food packaging "could be misleading," Dr. Minor said, because of the importance of handling. The color and appearance of meat and poultry tell more about its quality than the date on the package, he added.

An A&P official said, "In virtually every product the merchandise will still be 100% satisfactory to the customer within the time limit you use (expiration or pull date). You're only setting those time limits as insurance. Most products are good for about twice as long as the manufacturer sets for his target date."

Consumer advocates contend frozen foods are easily adulterated by careless handling that allows thawing and refreezing.

It has been proposed frozen foods not only be dated openly but also have attached a treated strip of paper that turns color if the package thaws to a certain temperature.

In a recent marketing survey, Consumers Union found frozen fish sticks packaged by a company that has not put up that product for more than two years.

Open dating "on most items would be beneficial to the consumer and helpful to the retailer as well," said Frank Heiser, executive director of the Ohio Retail Food Dealers Association. "The retailer could make sure the fresh stocks is in the back so the older is in the front and could move better. He would know which stock should be moving first. Most retailers try to do this anyway."

In many stores, rotation is often the function of the salesman for a particular item, rather than store employee.

Problems arise when a salesman does not want to take back outdated merchandise because he will lose credit for the sale. The manager and his employees cannot possibly read every package in stock, retailers say.

"The salesman who doesn't bring in all the stuff on code (expired) is subject to dismissal," said Martone of Continental Baking.

Another trouble source, industry sources point out, is the store manager working on a percentage of the gross who may be tempted to try to sell stale products in violation of store policy.

Wonder Bread codes "are only for our salesman so they are absolutely certain not to leave anything old. Bread is only in the store 48 hours and taken out," Martone said.

William H. Howard, president of Top Hat Foods Distributing, Inc., said manufacturers codes packages "to keep people confused." Reading the codes "is rough," he said, "I'm even at a loss myself when I go in a store and buy things I'm not familiar with."

Some products are packaged each day but shipped only once a week, and all with the same date—the last day of packaging that shipment, he said.

"We distributors have been fighting coding for some time," Howard said. "We would like uniform codes. I can't read half of them. They're just to confuse customers, that's all. They say it's to aid the grocer with rotation, but you need close watch on stuff like that."

Some products are marked plainly on the

case the retailer receives them in but not on packages inside. A case of Kraft dressing was marked 2-20-70C on the outside (bottled Feb. 20 this year) but the bottle inside were marked 07 052C.

"If you had all the same codes, the competition would know," said Paul T. Abbott, president of Cleveland Food Brokers Association and head of a brokerage firm bearing his name. Open dating, however, "would be all right," he added. "I don't see anything to be ashamed of."

The assistant manager of a Pick-n-Pay meat department, asked by a shopper the meaning of black letters on a meat price sticker, replied: "That's confidential. To tell you that would be like showing you my cost list."

Pick-n-Pay uses a two-letter code on fresh red meats, poultry and fish. The first letter represents the week in which the product was packaged, the second is the day of the week. The code is likely to vary from store to store and week to week, but there is a way for the consumer to tell the freshest packages.

The chain, like most, has a policy of not keeping ground beef overnight. Check the code on the ground red meat—it probably was packaged that day. Freshest meats on display will have the same code.

Allan A. Lumb, director of meats for Pick-n-Pay, refused to discuss the matter other than to say, "We use codes so we can maintain a fresh display of products and offer products for sale we know are fresh for the customer. Everything that is sold in a store, from a can of peas to a galvanized garbage can, has a code on it."

The supermarket chain's chief of dairy operations, James Newell, explained milk is marked with the expiration date on the foil tab on cartons of the store brand, Fairview. A carton marked 010 FRI should be removed from the shelf at the close of business Friday, April 10.

The expiration date is the fifth day after production, Newell said, and the milk is good for another week to 10 days at home with proper refrigeration.

Eggs are coded with the production day of the year. A carton of Cottage eggs at one Pick-n-Pay store marked 0054 were packaged Feb. 23, the 54th day of the year. (The first zero stands for 1970) Eggs put on sale for special promotions are not coded.

Eggs graded A and better, Newell said, are generally removed from the shelf after about two weeks, although some stay there up to 30 days. The package dated Feb. 23 was still there March 24, 29 days after packing, obviously at the end of its shelf life. Others were dated 0077 (March 18) and 0079 (March 20).

Processed and natural cheeses, when vacuum packed, have a shelf life of 90 to 120 days, depending on the type and manufacturer, he said. The code is the production day of the year, as with eggs.

Sometimes competing products will exhibit differing views on dating. An example can be found on cans of formula for infants. Similac, made by Ross Laboratories, is stamped on the top: "Use by Jul 70." Enfamil, made by Mead Laboratories, is coded: CJ 592-B 041—the last three numerals are the coded expiration date, April 1971.

Open dating is found most frequently on eggs and cans of refrigerated dough products.

Heritage House eggs at a Fisher Foods store Mar. 24 were marked Exp. Mar. 29, meaning they were relatively fresh. The date represents the time the eggs are no longer of the grade quality designated. At one Fisher's store checked by The Plain Dealer, all large and medium eggs were dated but none of the jumbos.

Millbrook bread prints its pull date clearly on wrapper tabs. Number stamped on the tab

is the day of the month the loaf should be taken off sale.

There are hundreds of codes. There is no way of telling whether the code represents the put up date or the pull date. A rule of thumb, to be applied cautiously, is the higher the number the fresher the product.

Here are some common codes:

Calendar—This is a four-or-five-digit number telling the year (usually 0 at the front or end of the code means 1970, (1 is 1971, etc.), the month and the day. A&P bread marked 0407 means it should be taken off the shelf at the close of business April 7.

Day of the year—Numbers 1 through 365 represent the consecutive days of the year starting Jan. 1. This method commonly indicates production date. Swiss cheese at a Pick-n-Pay store marked 0058 meant it was packaged Feb. 27, 1970 (The first digit is the last one of the current year).

Calendar subtraction—This is the reverse of the above method. It starts with 365 on Jan. 1 and works down to 1 for Dec. 31.

Supermarket institute code—This is a four-digit code in which the sum of the first and last numbers is the month and the middle two digits are the day of the month. The code 1302 on a package of Bob Evans Sausage meant it should be off the shelf by Mar. 30.

Further confusing the issue, packagers use a variety of letters and numbers representing quality control, plant location, vat or batch or crop, the individual packer, contents and even letters or numbers with no meaning.

Milk codes are among the most difficult to read because they usually are pressed into the top of the waxed carton and barely visible.

It used to be Cleveland and Ohio law that milk must be openly marked with the last day on which it could be legally sold—the fifth day after pasteurization.

The legislature repealed the Ohio statute in 1961 and City Council repealed its open dating ordinance three years later—at the urging of the dairies which argued protection was no longer needed because modern methods of preparation and refrigeration put spoilage at a minimum.

A editorial in The Plain Dealer calling for retention of the system at the time termed open dating "a badge of good will" and "the producers' mark of integrity."

A&P uses calendar dates on its baked goods to tell when they should be removed from shelves. Nearly everything packaged by the chain under its own brand, Ann Page, bears expiration or pull dates, except fresh meats and vegetables, said a spokesman.

Like most stores, A&P finds it impractical to date and mark high turnover vegetables such as tomatoes, lettuce and the like. Other produce, such as lemons, cabbage and slower moving items are dated.

For the fresh meats and vegetables there is a small black numeral in the top left corner of the price sticker, telling the date of packaging. A 1 means it was packaged Monday, 2 means Tuesday and so on.

Other A&P codes are generally easy to read. On a jar of salad dressing marked 5A16, the letter represents the year (A is 1970, B is 1971, etc.). To the left is the month and to the right the day of the month. Hence 5A16 is May 16, 1970.

Kroger uses a single numeral followed by a single letter to tell when fresh meats and vegetables were packaged. The year is divided into 13 four-week periods, and the number tells the week in which the food was packed. The letters M T W T F S tell the day.

A check at a Kroger store on a Tuesday showed all meats and poultry had been packaged that day or the day before. Their codes were 4M and 4T because it was the fourth week of the period.

Fisher foods uses a code similar to Kroger's on fresh vegetables. The numeral indicates the week the produce was packaged and the letter signifies the day.

Meat codes at Fisher's are two letters. The first represents the week and changes. The second represents the day and is constant (although it, like other codes described in this article, may be changed after this): O P S T V X stand for Monday through Saturday.

Heritage House milk, Fisher's brand, was marked 25 and 29 in the wax atop the carton. That meant those cartons should be removed March 25 and March 29, respectively.

Hillside-Old Meadow milk has a four-digit code but only the first and last digits are the date. Thus, 2316 on a carton meant it should be removed by the 26th.

Breakstone sour dressing was marked 0325, meaning it should be removed by March 25. Since that particular carton was on a store shelf March 24 and the product has a 30-day shelf life, it was near the end of its freshness.

In some stores, an extra letter, often an X, is added to the usual two-letter code on meat, to indicate the contents have been repacked. This may be Saturday's meat repacked on Monday.

Rep. Leonard Farbstein, D-N.Y., has introduced a bill in Congress to require perishable foods be openly marked in plain English with the last day it is safe to sell them.

The bill, an amendment to the 1966 Fair Packaging and Labeling Law, is in the commerce and finance subcommittee of the House Interstate and Foreign Commerce Committee. Subcommittee chairman John E. Moss, D-Calif., is one of the bill's 47 sponsors. Hearings will be held this spring. Supporters are optimistic.

Farbstein's office is surveying food dating and freshness in the Washington, D.C., area. Among the findings is that milk in ghetto stores is frequently about six days older than in better neighborhoods.

In at least one grocery store in a low-income area where families of some congressmen also shop, staff members found beef, which the more affluent tend to buy, was only a day or two old, while pork, commonly purchased by the poor, was five and six days old. Farbstein's bill has been endorsed by the National Consumers Federation and other consumer groups.

"The food industry opposes this," said a Farbstein aide. "They think they're not going to be able to make as much profit."

Open dating could be misleading, argues the food industry, because a poorly handled product may be unfit to eat although it has not reached its expiration date, while a properly handled perishable may be perfectly good at the end of its shelf life.

Industry sources contend the code helps in rotation of merchandise on the shelves, thus helps the consumer. Competition in the market place, they add, insures freshness because anyone selling consistently stale products would not stay in business long.

Besides, they continue, if dates were marked openly many perfectly good items would be left on the shelf by shoppers grabbing for the latest dates. This would raise costs and the consumer would suffer in the end, they warn, through higher prices.

Moreover, industry sources indicated open dating is meaningless because the consumer does not care.

[From the Cleveland Plain Dealer,
Apr. 17, 1970]

CONSUMER HAS RIGHT TO KNOW

Consumer reporter Douglas Bloomfield's very revealing study of the use of codes to conceal from shoppers the freshness of the food they buy points up the need for Congress to pass a bill proposed by U.S. Rep.

Leonard Farbstein, D-N.Y., to require perishable foods be clearly marked with the last day they are safe to sell.

Retailers and middlemen admitted that even they often have trouble reading the codes put on by manufacturers and would like to see open dating. Those who argue that the consumer does not care know very well that most consumers were not even aware the freshness of their food was stamped on the package. Once aware this information is available but being concealed, consumers should awaken and demand their rights.

A few items already have an open date, such as refrigerated dough products and some eggs. And everyone is familiar with the expiration date on film. The example of the two competing brands of formula for infants, one with a coded date and the other marked clearly, prove how simple it would be to print the expiration date of a product on the package.

The consumer is entitled to know how fresh his food is. The only purpose in keeping this information from him would be to try to pass off stale merchandise.

Conscientious food producers can demonstrate the sincerity of their desire to serve their customers and give them the freshest food possible by acting now and not waiting until Congress orders them to mark the expiration date in plain language. The consumer is entitled to nothing less.

Those who argue that how a product was handled and refrigerated is more important than the date on the package are trying to duck the issue. That is no excuse for refusing to let the consumer know the shelf life set by the manufacturer for his products. Open dating is, as we have said in the past, a badge of good will and a producer's mark of integrity.

SST: WHY WON'T THEY BAN THE BOOM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the April 30 Wall Street Journal carried an excellent by Albert Karr on the SST and sonic booms. Mr. Karr points out that the FAA's proposed ban on SST flights over populated areas is nowhere near as firm as the Administration would like us to believe. The FAA prefers banning boom-producing SST flights by regulation rather than by law. Mr. Karr reports, because, in the words of one pro-SST FAA official, "It's much easier to change a regulation."

I commend the article to my colleagues:

SST: WHY WON'T THEY BAN THE BOOM?
(By Albert R. Karr)

WASHINGTON.—It sounds comforting: "Even if the Department of Transportation desired to approve the SSTs for supersonic flights over populated areas, it is inconceivable that in a nation in which the Chief Executive and the Congress are elected by the people, the department or any agency could be successful in establishing such a position. It is the Government, not any organization within the Government, which controls such decisions and as long as the people continue to control the Government, sonic booms over populated areas will not be permitted."

The House Appropriations Committee, in approving development money for the civil-

ian supersonic transport planes last fall, thus added its assurances to those of the Nixon Administration that the American populace needn't fear being subjected to shattering sonic booms by the Government-supported SST, that its use at supersonic speeds would be confined to over-water international flights.

Since then, repeat assurances have come from the White House, Transportation Secretary John Volpe and those who work for him, including officials of the Federal Aviation Administration, which helped design the 300-passenger, 1,800-mph plane. The FAA recently proposed a regulation to prohibit boom-producing SST flights over the U.S.

And yet, doomsayers persist in fearing that a fleet of SSTs will someday be laying their sonic booms all across the land. Perhaps it's an anxiety neurosis that can't be dispelled, no matter how emphatic the Government's promises. But there are just enough nagging hints from SST proponents to suggest that a decision could be made some time to start supersonic flights across the U.S. after all, maybe even without having found the wished-for scientific magic that would substantially lessen or eliminate the boom.

AN "ACCEPTABLE" BOOM?

Supersonic flights over the U.S. could be allowed, it's argued, if the boom can be reduced to "acceptable" limits. A new kind of boom that doesn't surprise people so much might be created. Perhaps, some say, the populace will learn to stop worrying and tolerate, if not love, the boom. Meanwhile, backers rejoice at the prospect that future Administrations won't be inhibited by any Federal boom-ban law, which would be difficult to revoke should rising demand for domestic SST service make revocation desirable.

When the Administration's green light for SST prototype development was given last September, no promise of outright prohibition of boom-causing U.S. flights was made. Instead, Mr. Volpe said the SST "will not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits." (Only prime contractor Boeing Co.—having the most to gain from domestic SST operation and the most to lose if critics scuttle the craft altogether—has unequivocally said "the American people are never going to be subjected to the SST's sonic boom.")

The "acceptability" clause continued for a while to show up in Government no-boom assurances, though what's acceptable was never defined. "We are not certain that (the SST) could fly over populated areas with a noise factor level below that which we feel is acceptable" in the present state of the art, Mr. Volpe said. More confidently, a recent "SST fact sheet" from the FAA insists the boom will be "relatively small." Many SST opponents, however, insist it's certain the boom will be undesirable. One says the SST's boom will be 10 to 30 times tolerable levels. Another says the civilian craft's boom will be twice that caused by military supersonic flights over several U.S. cities in recent years.

The question of whether the SST would ever fly supersonically over the U.S. and under what conditions became further muddled in an exchange involving Rep. Sidney Yates of Illinois, an SST opponent; Transportation Undersecretary James M. Beggs and FAA Administrator John H. Shaffer, during House appropriations hearings last fall. Three excerpts:

Mr. Yates: FAA will try to fly this plane whether or not there is a sonic boom, won't it?

Mr. Shaffer: No, sir. I think the language is clear. We say we will not fly supersonically over the United States as long as the sonic boom is unacceptable. . . .

Mr. Yates: You are saying one thing, Mr. Beggs; you are saying you will not fly supersonically over the United States. Mr. Shaffer is saying as long as the boom is unacceptable.

Mr. Beggs: No, I said we will not fly supersonically over populated areas. . . .

Mr. Yates: Are you telling us now there will be no supersonic operations over any populated areas?

Mr. Shaffer: That is correct.

Mr. Beggs: At this time that is exactly right.

Mr. Yates: What do you mean by "at this time?" There you go qualifying it again.

Mr. Shaffer: I do not think so.

Mr. Beggs: I hardly ever say forever on anything.

Mr. Yates: That is what concerns me.

Lately, Transportation Department officials have mostly (but not entirely) stopped using the acceptability qualifier. But their interest in lowering unacceptability continues. A number of research projects seek ways to change the boom itself.

One goal: Reduce or remove the "startle" effect. New, as yet unrealized aircraft designs might someday produce a boom that builds up slowly to a peak, rather than smacking the ear with a sudden crack the way the boom from a military jet does.

There's plenty of time to soften or eliminate the boom, Mr. Volpe contends. SST's won't be rolling off Boeing lines until 1978, and Boeing would be busy selling them for over-ocean use until 1982 or 1983. "If we can't lick the sonic boom problem in 10 years, I don't know the United States of America," Mr. Volpe says.

Others aren't so sure. An American delegate to an intergovernmental conference on the sonic boom in Paris two months ago said the noise level could be cut 15% at most by design changes. The spare-time head of the militant Citizens League Against the Sonic Boom, William Shurcliff, a nuclear research scientist at Harvard University, insists there will never be a feasible way to get rid of the boom, certainly not without reducing the plane's payload beyond economic value. And he maintains that while a boom that builds slowly to a peak would reduce the "startle" effect outdoors, it would be worse inside buildings, where the jolt is reinforced as it bounces between the walls.

Yesterday, at a press conference here intended to rebut the anti-SST campaign, H. W. Withington, manager of Boeing's Supersonic Transport Division, said, "As of today, we don't know of any way to get at it (the sonic boom problem) that will make any significant difference." Boeing insists, however, that from the SST's expected cruising altitude of 65,000 feet the result at ground level "will be comparable to the impact of a spinning lure cast by fishermen on calm, inland waters."

GETTING USED TO IT

Some SST backers have indicated that acceptability depends more on an ebbing of people's dislike for the boom than on reducing the boom itself. Probably reflecting a longheld view among FAA planners that the public can learn toleration, Col. Robert L. Stephens, an Air Force test pilot lent to the FAA as technical adviser to Boeing, said at a press conference two days after the President's go-ahead announcement:

"People will get used to sonic booms. It will be just like a train passing their homes."

Col. Stephens now says, "I got kind of a hard time from my boss for saying that. He said if I wanted to express personal opinions, don't do it to the press." Yet one of his bosses at the time, Bernard J. Vierling, then acting SST director (now deputy director), expressed somewhat similar thoughts. Mr. Vierling recalls that his mother endured sonic booms from military planes to Bakers-

field, Calif., for many years until her death at 78, and paid them little heed.

The problem is not lightly dismissed. In the Government's six-month test of public reactions to warplanes' sonic booms in Oklahoma City in 1964, "serious annoyance" was reported by 37% of respondents in the first interview rising to 56% by the end of the siege. By then, 27% said they couldn't learn to live with the sledgehammer booms.

About 2,000 military test flights were made between 1964 and 1967 over Oklahoma City, Chicago, St. Louis, Milwaukee, Pittsburgh and Edwards Air Force Base, Calif. The Citizens League, summarizing response reports, tallied 12,000 claims for shattered windows, cracked plaster and other damage, and more than \$350,000 in damage claims paid by the Government. The responses came from people along the boom swath 60 miles wide that trails a supersonic flight.

In light of such evidence, what could possibly prompt any Administration to reverse the current stance that shields the populace from the sonic boom? Economic pressures might do it, warns a Presidential panel drawn from the Interior Department, the Department of Health, Education, and Welfare, and the Office of Science and Technology.

The panelists' concern: An FAA estimate that 1,200 of the Government-supported planes could be sold for both domestic and international use by 1990, compared to 500 planes for overseas flights only. Some even think the 500-plane figure is overoptimistic; the Institute for Defense Analysis, a private economic study group, concluded in a study for the FAA that only 350 SSTs could be sold by 1990 if domestic supersonic flight is banned. (At subsonic speed, domestic flights by the SST wouldn't be economical, it's agreed.)

REGULATION VERSUS LAW

The FAA doesn't rule out the possibility that the SST, whose speed the agency says will make it 4½ times as "productive" as the 185-seat, 600-mph Boeing 707, will be too enticing to keep off cross-U.S. routes, Administrator Shaffer, explaining why he wanted the overland-boom-ban to be a regulation instead of a law, told a Senate subcommittee last November:

"I believe that this airplane may be dragged into the (domestic) market by the beneficial economic performance sometime after initial introduction. . . . The people who want to use this airplane for the profit that it will generate . . . may drag it into that market which one might identify as east to west or west to east over populated areas."

Undersecretary Beggs quickly said he didn't think there would be an irresistible demand for flying the SST over populated territory. But the Transportation Department prefers the proposed FAA rule to a law banning supersonic flights over the U.S., because, in the words of one pro-SST official in the department, "It's much easier to change a regulation." A number of unsuccessful attempts have been made by Congressmen to have boom-prohibiting legislation enacted.

It may well be that the regulation will never be relaxed unless new technology can drastically reduce the effect of the sonic boom. It may be that Americans need never fear that a supersonic transport will jar their domestic tranquility. But those who may be anxious about the prospect don't lack fuel for their neurosis to feed on.

HAWAII COUNTY DEMOCRATS DENOUNCE NIXON-AGNEWISM AND URGE IMMEDIATE END TO THE VIETNAM WAR

(Mrs. MINK asked and was given permission to extend her remarks at this

point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the convention of the Democratic Party of Hawaii Island, Hawaii, adopted seven resolutions which I would like to recommend to the attention of my colleagues.

The resolutions support party unity, voting rights for 18-year-olds, environmental protection, repeal of the oil import quota system, an end to inflation, protection of constitutional freedoms which have been under assault by the Nixon-Agnew administration, and an immediate end to the Vietnam war.

I support all of the objectives of these resolutions, particularly the endorsement of Senator DANIEL INOUË's call for an immediate end to U.S. offensive operations in Vietnam. These resolutions demonstrate the concerns of the people of my State and I urge their consideration by my colleagues.

The resolutions follow:

RESOLUTION NO. 1: DEMOCRATIC PARTY UNITY

Whereas, differences of opinion regarding tactics or policies often arise between Democratic Party members and officeholders;

Whereas, in the upcoming primary elections two or more Democrats may file for the same office, thereby requiring that they state their views to the public in seeking votes;

Whereas, personality clashes may sometime occur between Democratic Party members;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii urges that all candidates seeking office on the Democratic Party ballot stick to the issues and refrain from mud-slinging and character assassination;

Be it further resolved, that unresolved personal differences between prominent Democrats be settled within the ranks of the Party and not in the public press or on radio or television.

RESOLUTION NO. 2: VOTING RIGHTS FOR 18-YEAR-OLDS

Whereas, today 18-year-old youths are mature, educated and responsible; more than 80% are high school graduates; many are pursuing higher education while others have jobs in farming, business and industry; all are taxed the same as adults;

Whereas, more than a million young men of age 18-21 are serving in the armed forces, and some 30,000 have given their lives for their country in the futile Vietnam war;

Whereas, there is overwhelming nationwide sentiment for granting the voting franchise to 18-year-olds, not only as a matter of justice but also to enhance the democratic process;

Whereas, the minority opposed to this movement is now trying to delay achievement of the 18-year-old vote by proposing enactment of a constitutional amendment for this purpose;

Whereas, enactment of a constitutional amendment would take many years, but we should give the vote to 18-year-olds NOW;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii, in convention assembled, support enactment of a voting rights bill by the United States Congress as the fastest and most equitable means of giving voting rights to our youth of 18 years and over who are now denied this right.

RESOLUTION NO. 3: END POLLUTION—SAVE THE ENVIRONMENT

Whereas, our state and nation in the past 100 years have undergone dramatic eco-

nomically development resulting the most affluent and technologically advanced nation in the world, but with rapid industrialization and growth our air, water and soil have been degraded and polluted to the point where public health is now endangered, the landscape scarred and littered, the quality of life lowered and the continued existence of human life on our planet jeopardized;

Whereas, in the past, individuals and industries have considered it their natural right to use the earth's supply of air, water and soil as a dumping ground for their wastes; and

Whereas, industry and business considered it a natural right that they be permitted to manufacture and sell materials and devices which pollute and poison the environment;

Whereas, the assurance of a clean and attractive environment for living, working and recreation is a right that should be enjoyed by everyone;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii, in convention assembled, pledge our efforts toward this goal, by

a. supporting programs which would accelerate ending pollution of the nation's lakes, rivers, streams, harbors and bays by improving the quality of water with special attention on public water supplies, recreation, fish and wildlife;

b. supporting legislation for eliminating as fast as possible all sources of air pollution, including internal combustion engines;

c. to work for strong measures to conserve our soils and reclaim presently useless, polluted or depleted land;

d. to support efforts to save species of flora and fauna threatened with extinction and to preserve historic sites and artifacts of our heritage; and

e. to encourage appropriate measures for reducing the rate of population growth so as ultimately to achieve a stable population in harmony with available resources.

f. urge Congress and the State Legislature to designate April 22 each year as "Earth Day."

g. to support legislation to abate noise and visual pollution.

RESOLUTION NO. 4: REPEAL THE OIL IMPORT PROGRAM

Whereas, the 10-year-old oil import program, decreed by Presidential proclamation, enables oil companies to maintain excessively high prices for gasoline and fuel oil, costing the people of Hawaii more than \$20,000,000 annually in excessive payments, and resulting in more than \$5 billion additional profits to the major oil companies nationwide;

Whereas, our state legislators and congressional delegation have proposed many plans to overcome the unfair impact of the oil import program, such as exemption of Hawaii from its provisions, anti-trust suits against the oil companies; testing the legality of the program; and setting up foreign trade zones where imported crude oil could be refined; none of these projects have been pursued to a successful conclusion;

Whereas, President Nixon's cabinet-level task force charged with studying the oil import program recommended that it be abolished in favor of a tariff on imported crude oil;

Whereas, the President has decided to ignore the recommendation of his own task force and to continue the oil import program without modification;

Therefore, be it resolved by the Democratic Party of the County of Hawaii in convention assembled, that the widest possible publicity be given the report of the task force and that we urge our Congressional delegation to continue the fight to repeal the oil import program and pending repeal to secure other

measures, such as a foreign trade zone, which will give the people of Hawaii relief from high gasoline and fuel oil prices.

RESOLUTION NO. 5: INFLATION

Whereas, inflation is most harmful to those who depend on salaries, wages or pensions for their living expenses and is rapidly wiping out the social gains made in the past;

Whereas, the main cause of inflation is the Vietnam war and the exorbitant government expenditures for military hardware and services;

Whereas, high interest rates by means of which the Nixon Administration is fighting inflation actually adds to it since the high cost of money is passed on to the consumer in the form of higher prices;

Whereas, giant monopolies in steel, auto and food arbitrarily raise prices thereby adding to the inflationary spiral, with no rebuke from the Administration;

Whereas, inflationary policies lead to greater unemployment, idle plant facilities and recession or depression of the economy;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii affirm its commitment to national policies of price stability and full employment which will be accomplished by:

a. Ending the war in Vietnam, reducing military expenditures and spending more federal revenue on schools, hospitals, housing, eradication of pollution, and other activities of benefit to the people;

b. Reverse the policy of high interest rates at all levels, starting with immediate roll back of the prime interest rate by the Federal Reserve Board to a point that will cause lower prices;

c. Cooperation between government, labor and industry to formulate wage and price policies sound for consumers as well as for working people and investors;

d. Strict enforcement of anti-trust and trade practice laws to combat unfair price fixing, supply limitation and other restrictive practices.

RESOLUTION NO. 6: PROTECT OUR CONSTITUTIONAL FREEDOMS

Whereas, Vice President Spiro Agnew and other members of the Nixon Administration, on numerous occasions, have threatened the news media in order to suppress criticism of Administration policies and to make the media conform to the Administration's standard of what news should reach the people;

Whereas, in the name of "law and order" the Administration supports passage of legislation which would give federal agents the right to make "no knock" entries and exploratory searches of homes without warrants; which would authorize judges to jail individuals charged with so-called violent crimes prior to their trial without the right to release on bail or personal recognizance; and in complete disregard of the 4th Amendment would enlarge the area of authorized wiretapping and eavesdropping so there would be practically no limit to this nefarious practice;

Whereas, the increasing use of police spies and undercover agents to infiltrate political groups puts our nation well on the way toward becoming a police state;

Whereas, Congress enacted as a rider to a civil rights bill a clearly unconstitutional conspiracy statute which would suspend the First Amendment in interstate travel and set traps of repression;

Whereas, legislation to repeal the detention camp provisions of the Internal Security Act of 1950 (introduced by Senator Inouye and Representatives Mink and Matsunaga) though passed by the Senate now is stalled in the House of Representatives with no attempt by the Administration to expedite passage thereby adding to the fear

among blacks and other minorities that the camps might be meant for them;

Whereas, many people are losing faith in the possibility of peaceful and nonviolent change as they confront the immobility of the establishment and its resort to repression;

Therefore, be it resolved by the Democratic Party of the County of Hawaii reaffirm our faith in the Bill of Rights which assures complete freedom of speech, press, assembly and association, together with free exercise of the franchise, as necessary means to achieve nonviolent change in a democratic society and that we actively and vigorously oppose all legislation and activities which would limit or abrogate such freedoms.

RESOLUTION NO. 7: END THE VIETNAM WAR IMMEDIATELY

Whereas, the Vietnam War is still the nation's number one issue, which because of its fantastic cost in money, manpower and morale, prevents the solution of many other problems with which we are faced;

Whereas, instead of ending the war, as promised in campaign speeches and a major policy statement last November, President Nixon's policies have caused the spreading of the war to Laos and Cambodia and possibly to all Southeast Asia;

Whereas, the Administration proposal to Vietnamize the war is not a plan for peace, or even for American withdrawal, but merely a scheme to substitute Vietnamese corpses for American, fighting the war by proxy while U.S. taxpayers foot the bill;

Whereas, our support of the present corrupt Saigon government under General Thieu and Ky negates any claim that we are fighting the war for the sake of democracy;

Whereas, if we base our withdrawal on the takeover of the fighting by the Thieu-Ky forces we will never end our military involvement there nor be master of our destiny in Southeast Asia;

Whereas, we have not only been unable to win the war in Vietnam but we have adopted tactics that lowered our international prestige and which brutalized our troops, such as the use of napalm and other war materials deemed too horrible to be used against white Europeans; employment of mercenaries to torture prisoners and to assassinate alleged Viet Cong leaders; use of chemical agents and tear gas to drive people into the open to be shot down; and the use of defoliants to destroy the productivity of forests and fields for many years;

Whereas, the war has increasingly become racist: our soldiers now call nearly all Vietnamese "gooks" whether they are enemies or friends, and view them with suspicion and contempt; if we acknowledge the accidental killing of a civilian, we pay his family \$33, but we pay a French plantation owner \$100 if we damage a rubber tree;

Therefore, be it resolved, that the Democratic Party of Hawaii County, in convention assembled, endorse and support recent proposals of Senator Daniel Inouye in regard to ending the Vietnam War; they are:

1. that there be an immediate cease fire and halt to all offensive operations, our actions being limited to defense;

2. that we initiate a conference of Asian nations to resolve the problems of Indochina and not impose a European solution on the people, making it clear that we will abide by the outcome of these negotiations even if Hanoi should be given hegemony over the whole of Indochina.

Therefore, be it also resolved, that since most people now admit the Vietnam War was a tragic mistake, the government should grant amnesty to all those persons who refused to participate in the war and who are now in prison or have sought refuge in foreign nations.

THE AGONY AROUND US

(Mr. GILBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GILBERT. Mr. Speaker, the death of four students at Kent State on Monday only proves again the tragedy of the United States as it is today.

But those senseless deaths are only part of the many symptoms of agony we see around us. We have rampant unemployment, inflation, chaos on our campuses, and a lack of trust in the stock market.

I do not suppose it will occur to the administration to relate these and many other telltale signs to the fighting in Vietnam and Cambodia. Certainly the remarks of the Vice President on Monday night only serve to demonstrate again that the administration has a form of eye sickness known as "tunnel vision." It sees only along a narrow strip while the rest of the Nation remains outside those boundaries.

I have no visionary powers. I do not know how long it will take, how much suffering must yet come before the message is understood by the administration. I do know, however, that our people are tired, sick-to-the-bone tired, of a war they never wanted.

I am afraid the new hostilities, just like those in Vietnam, are doomed to failure, and I fear dissent will get more violent as the frustrations mount, no matter how repressive countermeasures become.

I see no other alternative than to let time run its course as it must. Eventually, this Nation will cleanse itself just as great rivers do. But we must prevent pollution of our national heritage on behalf of war. Only Congress has the legal right to exercise that veto. I implore it to do so before the fabric of our Constitution is torn asunder.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of automobile tires in the world. In 1966 the United States produced 177,169,000 tires. This represented over four times more than produced by France, the second ranking nation.

SUPPORT FOR PRESIDENT'S ACTION IN CAMBODIA

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, yesterday morning I had the privilege of attending the White House briefing on our latest military defensive attacks into Cambodian territory. I was there along with my colleagues from the House Armed Services Committee, the Senate Armed

Services Committee, the Department of Defense, and White House staff.

At yesterday morning's breakfast, President Nixon once again restated his motivation and the options or choices leading to his action as Commander in Chief, in ordering our latest military action. He repeated, that upon completion of the operation, which is expected to last no longer than 6 to 7 weeks, there are no plans to occupy any territory belonging to the nation of Cambodia. He reiterated that we were there only for the purpose of protecting American and South Vietnamese lives, and that goal would be accomplished by destroying the Communist sanctuaries, command posts, and equipment.

For years the Vietnamese of Hanoi and the Vietcong have been permitted to operate at will from areas that have been off limits, as far as countermilitary action or even hot pursuit was concerned. By his latest actions, the President has no longer permitted them the luxury of freedom from fear of retaliation. He has bought time for further Vietnamization, and simultaneously protected the flanks of support troops. This will save lives—of our troops.

President Nixon said that when this operation has been concluded and the harassing bases destroyed, the process of Vietnamization will have the opportunity to accelerate at a much faster pace. That means the withdrawal of American ground combat forces, will be able to continue unencumbered. I remind you that the President continues to make good on his pledge to "bring the men home."

Following the President's encouraging words, Secretary of Defense Mel Laird, and the Chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler, took over for a free wheeling period of questions and answers. All who were there were asked to participate, and everyone was given the opportunity to use his vocal cords as well as his intellect, while feeding the inner man.

Mr. Speaker, much has been made of this latest search and destroy operation. Many different interpretations have evolved, some based on less than fact, and obviously politically motivated. I, for one would like to say that I support the President, and place myself at his side. He has told the Communists that we will not be driven out, and now he proves it. He has told them that we will protect our troops. He has told them everything is negotiable except the freedom of South Vietnam. He may well be forced to react further to contingencies. The cards are on the table. It is time they picked up their hand.

JAMES J. KILPATRICK: A DECISION ON BOTH THE SHORT AND LONG WARS

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, James J. Kilpatrick has the knack of digging into most any subject and instantly striking "pay dirt."

In last night's Washington Star he scored again. His succinct analysis of the events surrounding the Cambodian situation should certainly be read by all.

Mr. Kilpatrick's editorial follows:

A DECISION ON BOTH THE SHORT AND LONG WARS

(By James J. Kilpatrick)

FRESNO, CALIF.—It was 6 o'clock on a sunny afternoon, out here on the Coast, when President Nixon made his speech on the Cambodian operation. I listened to it in a motel room—listened in pride and sadness and elation—and after a while I went down to Fresno's handsome municipal auditorium to speak to a town forum on current events.

The decision was right, I said; but when a series of hostile questions came floating up from the floor, I sensed anew the bitter truth of Santayana's famous maxim. Those who fail to learn from history must take their lessons again. How can one teach history in an hour?

What have the President's critics learned from the history of Communist aggression over the past 30 years? More deeply, what have they learned from the history of Western civilization? Surely they should have learned at least this much—that the enemy retreats from a positive show of force, and advances at every sign of softness. And we should have learned this, too, that there is no finite point in the fight to preserve men's freedoms; this fight goes on forever.

It is therefore an exercise in definitions to ask, when will the war end? Which war? The historical impudence known as Vietnam? Or the vastly more difficult war, the war that has no end? If the Cambodian operation is to be understood at all, it has to be understood in both contexts; and in both contexts the President's decision is courageous, necessary and wise.

On Nov. 3, the President gave warning: "Hanoi could make no greater mistake," he said, "than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

The question in Hanoi, in Moscow, in Peking, was: Did Nixon mean it? Or was he bluffing? Little by little, for the next five months, the enemy increased its pressure in Vietnam. Nixon made no response. Two weeks ago, in a speech announcing his commitment to further troop withdrawals, he repeated his warning. But these were words. Were they empty words? The enemy resumed its developing pattern with the classic inevitability of a Bach fugue: New provocations in Laos, new pressures in Cambodia.

This was, all over again, point counterpoint, the closing of access to Berlin; it was the deployment of missiles in Cuba. It was a short move and a long move, a test of Nixon and a test of America. It was a raise in the pot, chips down, and let the ribbon clerks get out of the game. Nixon had to call. Two warnings were enough.

Most of these considerations go to the long war, the war that has no end. Nixon's decision was sound for the short run also. For at least four years, our most experienced military leaders have been pleading for action against the Cambodian sanctuaries. Their appeals dropped out of sight in the down pillow of a no-win policy.

In fairness, the Sihanouk government presented obstacles also. But every reporter who ever got briefed by a general, in Saigon or Honolulu or Washington, heard the same off-the-record frustration expressed. How could the city of Washington be defended, to borrow Nixon's analogy, if an enemy command at Baltimore could never be attacked?

Well, Senator Aiken says the decision is

tragic, and Senator Hatfield finds it unbelievable, and Senator Goodell is aghast. But it may be that their reaction of Friday morning, like the hostile questions here Thursday night, fails to reflect the instinctive understanding of wiser but less articulate Americans. My guess is that the people know, better than the politicians, when a risk ought to be taken. And they will not love—they will rather despise—the timid leader who falls his people when the hour comes.

POLISH CONSTITUTION DAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RYAN. Mr. Speaker, May 3 marked the anniversary of Polish Constitution Day. Adopted by the Polish Diet on that day in 1791, the Polish Constitution marked a landmark in the development and spread of the democratic ideals of the 18th century. And it stands today as object example of the dedication to the liberty and freedom which the Polish people so greatly cherish.

In the 179 years since the Polish Constitution was adopted, the Polish people have tragically known all too little liberty. Even before the Constitution was put into full force, the second partition of Poland, instituted by her grasping neighbors, reduced that country to one-third of her original size. And in 1795, even that remnant was divided among Austria, Prussia, and Russia.

Not until October 6, 1918, did an independent, united Poland once again rise. But the golden years of independence were soon ended by the invasion of Poland in September 1939, by Hitler's forces. With equal duplicity, Stalin's armies moved into Poland on September 17.

Since the end of World War II, the Polish people have endured a Communist government. A Soviet satellite, Poland faces the omnipresent threat of Soviet intervention such as suffered by Czechoslovakia in 1968.

The deep affection of the American people for the people of Poland abides. This affection is of long standing. As long ago as our Revolutionary War, the friendship of our two peoples was a strong one, cemented by the valiant efforts of Gens. Thaddeus Kosciusko and Casimir Pulaski, who came to this land and helped us in our fight for independence. And hundreds of thousands of Polish people have since immigrated to our shores to help build and fight for the Nation which those two famous men so bravely helped in her infancy.

In marking the celebration of Polish Constitution Day, we honor the liberty-loving Polish people, and we honor as well their brethren in this country who have contributed so much to her greatness.

TRAGEDY AT KENT STATE UNIVERSITY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, in the past week, the voice of the Nixon administra-

tion in the persons of the President and the Vice President has led a constant chorus condemning American college students who have demonstrated on campuses throughout the Nation in opposition to the President's expansion of the Vietnam war.

In his speech of April 30, informing the American people of his decision to send American troops into Cambodia, the President spoke of our age as one of anarchy at home and abroad. He said:

Here in the United States, great universities are being systematically destroyed.

On May 1, the President went to the Pentagon for a briefing by military advisers. During his visit there, President Nixon spoke impromptu to Pentagon employees about the young Americans fighting in Vietnam and compared them with "these bums, you know, blowing up the campuses." He said:

Listen, the boys on the college campuses today are luckiest people in the world—going to the greatest universities—and here they are burning up the books, storming around about this issue. I mean—you name it. Get rid of the war, and there'll be another one.

On Sunday's "Face the Nation" program, the Vice President discussed the motives of demonstrators, whom he called "disrupters":

I don't think many of them are really honestly sincere about the cause. I think they are simply utilizing this as a vehicle to continue their antisocial outrageous conduct. And I think if the war were over, for example, they would find something else—to use as an excuse for throwing firebombs.

The Vice President, on the same program, called himself a spokesman for the frustrated. He equated the problems in this country with a fire—

When a fire takes place, a man doesn't run into the room and whisper, "Would someone please get the water?" he yells "Fire!" and I am yelling "Fire!" because I think "Fire" needs to be called here.

And so, the voices of the administration have been talking about anarchists, and bums, and the need for the fire to be put out.

And Monday members of the Ohio National Guard answered the Vice President's call of "fire" against the President's "anarchists" and "bums" by raising their rifles and shooting into a crowd of student demonstrators at Kent State University in Ohio. When the smoke had cleared, two young men and two young women lay dead; six other students had been injured and hospitalized—three of them critically. One of these is paralyzed from the waist down.

The festering sore of frustration which has been subjected to administration invective burst open in Ohio yesterday, creating an American tragedy which will scar this generation of young Americans, and damage the rest of us.

We were told as far back as in October, when Americans were planning to demonstrate their disapproval of the war in Vietnam during the moratorium, that the President would not be affected by dissent. This has caused severe frustrations to those who oppose the war and its expansion. At the same time, the President has told his "great silent majority" that

they should not allow their voices to be drowned out by unruly dissenters.

And so, four young Americans are dead. The calls of the administration accusing demonstrators of being anarchists and bums has resulted in the "forces of law and order" taking the law into their own hands and becoming the anarchists.

Monday night the President issued a statement saying that this "should remind us that when dissent turns to violence it invites tragedy." He also called for support of "the right which exists in the country for peaceful dissent and just as strongly against the resort to violence, as a means of expression."

This right of peaceful protest was the watchword of the people who participated in the October and November moratoriums, but their efforts were summarily ignored by the President and his administration.

While Americans were still shaking their heads in disbelief over events at Kent State, our Vice President continued already too inflammatory rhetoric regarding dissents and college demonstrations. Refusing to depart from his text, prepared before the Kent State tragedy, the Vice President said that some people might consider his remarks as showing "a certain insensitivity," but that they were addressed at a "general malaise that argues for violent confrontation instead of debate."

He then proceeded to attack "elitists" for "undermining American optimism," calling them opinionmakers who commit "philosophical violence" which he called more dangerous than the actions of the "paranoids" who demonstrate on our college campuses.

And so, not even the tragic deaths that occurred on the Ohio campus could still the voice of the administration.

Instead of putting out the fire, the administration has lit one. It has caused distrust, hate, and fear of college students and war demonstrators in the hearts and minds of many Americans.

The Vice President may be right that Monday's killings were "a tragedy that was predictable," but not for the reasons he may state. The tragedy was predictable because the Nixon administration has been creating fear and distrust among the American people.

Some of these people were the National Guardsmen who, whether out of distrust, hate, fear, or panic fired the M-1 rifles that killed Allison Krause, Jeffrey Glenn Miller, Sandra Lee Scheuer, and William Schroeder, and injured the other students.

Recently, we have witnessed several trials dealing with words and their role in inciting action. The evidence in these trials have been speeches, the tone and context of which, have allegedly caused later violent action. The speeches that have emanated from the Nixon administration on the right of dissent and college demonstrators have had much of an agitating tone and context. And the actions which have resulted are inexcusable and unforgivable.

I include in the RECORD an editorial from the New York Times of May 5 re-

garding this issue, "And on the Home Front."

[From the New York Times, May 5, 1970]

AND THE HOME FRONT

The tragic nature of the division of this country exacerbated by escalation of the war was underscored yesterday when four students were killed during a confrontation with National Guardsmen and police at Kent State University in Ohio.

Whoever was responsible for the fatal shots must be brought to justice promptly and steps must be taken to make sure that the forces of "law and order" do not themselves become the instruments of further anarchy.

Student provocation undoubtedly was great and was also unpardonable. The violence instigated by some antiwar protesters is in no way justified by the violence practiced by their Government overseas.

But more violent self-destruction at home will be the inescapable fate of this great nation unless an Administration elected to uphold the law at home and to bring peace abroad lives up to its commitments—or is held to its promises by the representatives of the people in Congress. At home, as in Indochina, responsible political action is the only sane solution to a dual crisis that is threatening to get out of hand.

SOVIET PILOTS OVER EGYPT

(Mr. RYAN asked and was given permission to revise and extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. RYAN. Mr. Speaker, the peril to Israel increases. Last week it was confirmed that Soviet pilots are flying jets over Egypt.

It has long been known that the Soviet Union has been pouring armaments of every kind into Egypt, while Israel can look only to the superior skill and motivation of her pilots to offset her numerical inferiority in planes and manpower. Despite the Soviet Union's arming of a nation sworn to conduct a war of attrition against Israel, this administration has refused Israel's recent request to purchase jets for her self-defense. In light of the latest revelation of Soviet involvement in the Middle East, the administration's misguided policy is even more dangerous, and it must be changed.

The survival in safety and peace of Israel is in our national interest.

First, traditional U.S. policy—as articulated by actions as well as words of four successive Presidents: Truman, Eisenhower, Kennedy, and Johnson—has been one of firm support for Israel.

Second, our interests compel support for Israel because we support the principles of democracy and Israel embodies in its best aspects the democratic institutions in which we believe.

Third, our interests coincide with a secure Israel because she, in her turn, has offered us firm and steadfast friendship. To rebuff her now is to declare as hypocritical our conduct of foreign affairs among nations.

Fourth, our interests compel support of Israel because she is the great example of the benefits which dedication, idealism, and modern technology can bring to the poverty-stricken peoples of the third world. What is more, Israel herself has undertaken, not only by example, but

by deed as well, to spread these benefits to other nations, sending Israeli citizens to 70 nations to teach farming and industrial techniques, and the lessons she has learned in bringing life to a barren land.

Yet, despite the fact that our national interests—and morality as well—call for the strongest actions on our part to insure the security of Israel, the administration has failed to give Israel the kind of support she needs.

While direct negotiations between the parties are essential for achieving a lasting and meaningful peace in the Middle East, the administration has undermined Israel's position by proposing to the Soviet Union guidelines for a settlement. The refusal of the Soviets and Egyptians even seriously to consider these recommendations is only added filipp demonstrating the error of the administration.

Moreover, while the Egyptians have been glutted with Soviet armaments and advisers, the administration has turned down Israel's request to be allowed to purchase additional jet planes. Yet, clearly Israel's miniscule manpower in comparison to that of the Arab states requires that she have sufficient air power to maintain a balance in the Middle East.

Now, Soviet pilots are flying these planes and Soviet anti-aircraft missiles are emplaced on Egyptian soil. Part of the responsibility of this development can and should be ascribed to the administration. Stephen S. Rosenfeld, in a column which appeared in the Washington Post on May 1, 1970, analyzes the default by this administration which has led to the present state of events:

The Arab-Israeli war of 1967 seems to have created for the Soviet Union a political opening so large and—for a hungry Kremlin—so tempting that it could not be turned down. The Arabs' cause was there for the plucking. By its ineffectiveness in dealing with Israel's apparent peril in the days immediately before the war, the West had shown that opposition to an expanded Soviet presence in the Arab states would probably not be strong. Moreover, the United States was conspicuously distracted by the foreign and domestic implications of Vietnam.

Mr. Rosenfeld's discussion of subsequent events involving the U.S. failure to act firmly in support of Israel is also particularly noteworthy:

[The Russians] found that, first, [President Nixon] . . . put off Israel's request for more warplanes and that, secondly, he and his administration reacted mildly to the installation of Soviet-manned SAM-3 anti-aircraft missiles in the Egyptian interior. In this view (of some close American students of Soviet policy), this encouraged the Russians to think that they could get away with providing direct air cover too.

Clearly, error has guided the administration thus far. This error must be overturned, and I call upon the President to authorize the sale of the planes Israel needs, and to take the action which I called for in joining Congressman Celler in House Concurrent Resolution 480 and in my cosponsorship of House Concurrent Resolution 511.

House Concurrent Resolution 480 states:

It is not in the interest of the United

States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

And House Concurrent Resolution 511 calls for the sale to Israel of aircraft necessary for her defense.

By its failure to authorize sale of the jets which Israel has requested, and by its failure to make clear that the United States firmly supports Israel, the administration has helped create the point of peril at which Israel now stands. We cannot continue to delay or to obfuscate.

I include at this point in the RECORD Stephen Rosenfeld's column from the Washington Post of May 1. It is a trenchant and informed analysis of the Middle East situation. In particular, I call attention to the last paragraph, in which Mr. Rosenfeld states what I believe must be made abundantly clear to this administration:

If the difficulties and costs of their (the Russians') current Mideast course are brought home to them, then they may change it.

The article follows:

[From the Washington Post, May 1, 1970]
MOSCOW'S FLIER IN EGYPTIAN SKIES

(By Stephen S. Rosenfeld)

Just a month ago, Nasser's confidante, Cairo editor Hassein Haikal, wrote—with a prescience not then evident—that the Middle East conflict was being pushed from the local level involving Israel and the Arabs, to the international level involving the United States and the Soviet Union. For one thing, he said, violence on the local level meant that both parties would always be exhausting their stocks of arms and in turn demanding more from their respective international suppliers. Meanwhile, the international parties faced "two forbidden risks" in respect to each other: "the risk of surrendering or retreating and the risk of becoming involved and clashing."

Perhaps sooner than even the perceptive Egyptian anticipated, his analysis has been borne out by events. For this was the week in which the Mideast conflict reached its highest level of Soviet and American tension since the two great powers decided—Moscow by fairly recent choice, and Washington by an earlier natural slide—to commit to the region their common prestige. Such is the effect of the Soviet decision to move from a supporting background role to a direct and possible frontline role, with its own personnel manning SAM-3 missiles and its own pilots flying Mig-21s.

The first question about Moscow's performance is why they're doing it. One can argue that assumption of a combat role follows inevitably enough from the Soviet Union's arbitrary and casual entry into the Middle East in the mid-1950s. Really, the only reason Moscow got in then was to engage in the great power game with the West: It had no "interest" in any accepted sense beyond flexing its self-regard and bumping the other players. As the British, French and Americans have amply proven in their different days, the true mark of world stature is to assert national power far from home, preferably in parlous circumstances where the assertion of power becomes more important than any purpose for which it might conceivably be asserted.

It remains, however, to wonder why the Russians chose this particular time and place

to undertake the extreme sequence of egging on Egypt to get into a fight larger than it could handle itself, and then of picking up its client's military burden—rather than encouraging Cairo to deflate the scale of the fighting to its own size.

One theory—that the recent under-the-sheet Kremlin political struggle ended in victory for a heavy-handed risk-taker—can be quickly dismissed. The chain of decisions which put Soviet pilots in Egyptian skies this week began a number of months ago. That a high-risk group or tendency rides high in the Kremlin is plain, but it has been there for some time.

More likely, and more disturbing, is the possibility that Moscow's Mideast policy arises from its own peculiar view of the balance of power. Everyone remembers—and more or less agrees—how Khrushchev provoked several Berlin crises and then slipped missiles secretly into Cuba in order to overcome what he felt were the painful disadvantages of Soviet strategic inferiority. The Cuban missile crisis was followed by the massive strategic buildup whose results are of such concern to the United States now.

Once that buildup had occurred, there took place—or so one can assume—a continuing discussion about how to use the power newly accumulated. The process of acquiring strength and then looking about for a place to apply it is not, to be sure, unique to Moscow.

The Arab-Israeli war of 1967 seems to have created for the Soviet Union a political opening so large and—for a hungry Kremlin—so tempting that it could not be turned down. The Arabs' cause was there for the plucking. By its ineffectiveness in dealing with Israel's apparent peril in the days immediately before the war, the West had shown that opposition to an expanded Soviet presence in the Arab states would probably not be strong. Moreover, the United States was conspicuously distracted by the foreign and domestic implications of Vietnam.

Some close American students of Soviet policy believe that Moscow was given pause in its pursuit of Mideast influence by President Nixon's reply to Premier Kosygin and by his State of the World message, both in February. In those pronouncements Mr. Nixon declared in effect that he would meet the Soviet competition in the region and not permit Moscow to gain "predominance." Then, however, the Russians looked to see how the President would apply his pronouncements. They found that, first, he put off Israel's request for more warplanes and that, secondly, he and his administration reacted mildly to the installation of Soviet-manned SAM-3 anti-aircraft missiles in the Egyptian interior. In this view, this encouraged the Russians to think that they could get away with providing direct air cover too.

Accurate or not, this analysis may offer a certain value to American policymakers deciding how to meet the new Russian initiative. The analysis suggests that Soviet policy, far from being the product of a cast-iron ideology or an immutable political freeze, flows rather from a continually updated assessment of political facts. Soviet policy is, in a word, opportunistic or, if you choose, pragmatic: it responds to American policy.

In short, the Russians are no more anxious to be blown to smithereens—certainly not for the sake of the Arabs—than are we Americans. If the difficulties and costs of their current Mideast course are brought home to them, then they may change it. The United States has a number of alternatives: it can provide more planes to Israel, it can urge its NATO allies to suspend troop cuts, it can put a friendly word in Peking's ear at the next Warsaw session May 20, and so on. Adventurist, the Kremlin

leaders have shown themselves to be; unresponsive, they have not.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASPINALL of Colorado from 2 p.m., May 8 until 12 o'clock noon, May 12, 1970, on account of official business.

Mr. BLATNIK of Minnesota (at the request of Mr. ALBERT), for today through May 14, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RUTH) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 15 minutes, today.

Mr. SAYLOR, for 10 minutes, today.

Mr. ASHBROOK, for 10 minutes, today.

(The following Members (at the request of Mr. BRINKLEY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mr. REUSS, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COHELAN to revise and extend his remarks made today during debate on the Findley substitute amendment, on H.R. 17123.

Mr. HOLIFIELD prior to the vote on the Whalen amendment.

Mr. ERLBORN, to extend his remarks immediately following those of Mr. COLLIER.

Mr. GOLDWATER, to extend his remarks immediately after the remarks of Mr. STRATTON.

Mr. LEGGETT, and to include extraneous material in the Committee of the Whole today.

Mr. HECHLER of West Virginia, and to include extraneous material, during the debate on the bill H.R. 17123.

Mr. RYAN to revise and extend his remarks prior to House action on the Morse amendment in the Committee of the Whole.

Mr. BENNETT to revise and extend his remarks during debate on the bill today and to include extraneous matter.

Mr. FASCELL to revise and extend his remarks during debate on the bill today in Committee of the Whole and to include extraneous matter.

Mr. DONOHUE to revise and extend his remarks prior to the vote on the Leggett amendment.

Mrs. HECKLER of Massachusetts to revise and extend her remarks prior to the passage of the bill.

(The following Members (at the request of Mr. RUTH) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.

Mr. DUNCAN.

Mr. WIGGINS.

Mr. SPRINGER.

Mr. LUJAN.

Mr. ASHBROOK.

Mr. BRAY in two instances.

Mr. FOREMAN.

Mr. COLLIER in four instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. NELSEN.

Mr. ANDERSON of Illinois.

Mr. PRICE of Texas in two instances.

Mr. SCOTT.

Mr. CONTE in four instances.

Mr. ZWACH.

Mr. WINN.

Mr. BROCK.

Mrs. HECKLER of Massachusetts in three instances.

Mr. WOLD.

Mr. ROBISON in two instances.

Mr. HOGAN.

Mr. BUSH.

Mr. GOODLING.

Mr. WHALEN in two instances.

Mr. WHITEHURST in three instances.

Mr. KEITH.

Mr. MORSE.

Mr. WYMAN.

(The following Members (at the request of Mr. BRINKLEY), and to include extraneous matter:)

Mr. JACOBS.

Mr. ROE in three instances.

Mr. ULLMAN in 10 instances.

Mr. DONOHUE in two instances.

Mr. CELLER.

Mr. HAWKINS in two instances.

Mr. HELSTOSKI.

Mr. GONZALEZ.

Mr. ROSENTHAL in five instances.

Mr. DORN in three instances.

Mr. GREEN of Pennsylvania in three instances.

Mr. FRASER in three instances.

Mr. FULTON of Tennessee.

Mr. RARICK in two instances.

Mr. LONG of Maryland in 10 instances.

Mr. LONG of Louisiana in two instances.

Mr. HOLIFIELD.

Mr. WALDIE.

Mr. RYAN in four instances.

Mr. CLARK in two instances.

Mr. FOUNTAIN in two instances.

Mr. ROGERS of Florida in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 793. An act for the relief of Peter Chung Ren Huang; to the Committee on the Judiciary.

S. 850. An act for the relief of Kwok Kwen Ng; to the Committee on the Judiciary.

S. 1703. An act for the relief of Rosa Pintabona; to the Committee of the Judiciary.

S. 1886. An act for the relief of Dr. Max Rueter Hasche; to the Committee of the Judiciary.

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean; to the Committee on the Judiciary.

S. 2490. An act for the relief of Miriam Lazarowitz; to the Committee on the Judiciary.

S. 2526. An act for the relief of Angelo DiStefano; to the Committee on the Judiciary.

S. 2820. An act to amend title II of the Act of September 19, 1918, relating to industrial safety in the District of Columbia; to the Committee on the District of Columbia.

S. 2856. An act for the relief of Saul Bluestone; to the Committee on the Judiciary.

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; to the Committee on the Judiciary.

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga); to the Committee on the Judiciary.

S. 3037. An act for the relief of Dr. Shusum Cheuk; to the Committee on the Judiciary.

S. 3136. An act to confer United States citizenship posthumously upon Guy Andre Blanchette; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp. 4C Aaron Tawil;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of All Somay; and

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 2452. An act to amend section 211 of the Public Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services;

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit;

S. 3435. An act to provide for the striking of medals in commemoration in completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; and

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of Smithsonian Institution.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On May 5, 1970:

H.R. 515. To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and pre-

venting discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in school and service institutions.

H.R. 1049. To amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes.

H.R. 1187. To amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 1706. To provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; and

H.R. 12605. To amend section 613 of the Merchant Marine Act, 1936, as amended.

On May 6, 1970:

H.R. 1951. To confer U.S. citizenship posthumously upon Sp 4c. Aaron Tawil;

H.R. 2817. For the relief of Dellah Aurora Gamatero;

H.R. 3955. For the relief of Placido Viterbo; H.R. 5936. For the relief of Kong Wan Nor;

H.R. 6125. For the relief of Anne Reale Pietrandrea;

H.R. 9001. For the relief of William Patrick Magee;

H.R. 11578. For the relief of Patricia Hiro Williams;

H.R. 12037. For the relief of Ali Somay; and H.R. 12673. To authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, May 7, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2021. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for the fiscal year 1971 for the Department of Transportation (H. Doc. No. 91-333); to the Committee on Appropriations and ordered to be printed.

2022. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend the existing provisions of law which permits persons from countries assisting the United States in Vietnam to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and to extend for a temporary period the existing provisions of that law, and for other purposes; to the Committee on Armed Services.

2023. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize reimbursement for expenses incurred in obtaining quarters by certain members of the naval service on sea duty who are deprived of their quarters aboard ship, and for other purposes; to the Committee on Armed Services.

2024. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5504 of title 10, United States Code, relating to assignment of lineal position to certain officers of the Navy and Marine Corps; to the Committee on Armed Services.

2025. A letter from the Secretary of the Navy, transmitting a draft of proposed leg-

islation to amend section 5891 of title 10, United States Code, providing for the consideration for promotion of certain officers in the Naval Reserve; to the Committee on Armed Services.

2026. A letter from the Under Secretary of the Navy, transmitting notice of the proposed donation of a locomotive, diesel-electric, to the Blackberry Creek Railway Historical Society, Inc., Jacksonville, Fla., pursuant to the provisions of 10 U.S.C. 7545; to the Committee on Armed Services.

2027. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of a landing craft vehicle, personnel, to Gravity Drainage District No. 4 of the Parish of Calcasieu, La., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2028. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment, for the quarter ended March 31, 1970, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2029. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting 56th annual report of the Board of Governors, for the calendar year 1969, pursuant to the provisions of section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

2030. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes; to the Committee on the Judiciary.

2031. A letter from the Postmaster General, transmitting a draft of proposed legislation to clarify the law relating to salary protection; to the Committee on Post Office and Civil Service.

2032. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by his office which are financed wholly with Federal funds, during the quarter ended March 31, 1970, pursuant to the provisions of section 1120b of the Social Security Act; to the Committee on Ways and Means.

2033. A letter from the Comptroller General of the United States, transmitting a report on the questionable justification and loose administration of the special cost-of-living allowance paid to certain civilian employees in the Republic of Vietnam, Department of State; to the Committee on Government Operations.

2034. A letter from the Comptroller General of the United States, transmitting a report that rental rates for barges used in the Republic of Vietnam included costs recovered by the contractor, Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG: Committee on Rules. House Resolution 973. Resolution for consideration of H.R. 17405, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91-1056). Referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. H.R. 16891. A bill to authorize U.S. participation in increases in the resources of certain international financial

institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, with amendments (Rept. No. 91-1057). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAILSBACK: Committee on the Judiciary. H.R. 9497. A bill for the relief of Mrs. Eleanor D. Morgan; with an amendment (Rept. No. 91-1055). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17454. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 17455. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Government Operations.

By Mr. CAREY:

H.R. 17456. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 17457. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

H.R. 17458. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 17459. A bill to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and cement products containing toxic solvents; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 17460. A bill to provide for the establishment of a national cemetery in each State of the Union, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17461. A bill to amend chapter 23 of title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to provide, under certain circumstances, a casket or urn for the burial of certain eligible veterans; to the Committee on Veterans' Affairs.

By Mr. KUYKENDALL:

H.R. 17462. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 17463. A bill to provide general revenue to the U.S. Treasury, to regulate and establish fees for the importation and exportation of controlled dangerous substances, to amend the narcotic and drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 17464. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mrs. CHISHOLM, and Mr. ASHLEY):

H.R. 17465. A bill to amend the Clean Air Act so as to extend its duration, provide for inspection and enforcement procedures, establish national emission control standards, authorize classification of air contaminant sources, designate penalties for violations of this act, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 17466. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. PRICE of Illinois:

H.R. 17467. A bill to authorize the National Aeronautics and Space Administration to make grants for the construction and operation of a World Resources Simulation Center to make available to Federal, State, and local agencies and to private persons, organizations, and institutions information useful in planning and decisionmaking; to the Committee on Science and Astronautics.

By Mr. RIVERS:

H.R. 17468. A bill to amend title 10, United States Code, to provide for the appointment of female officers in the Judge Advocate General's Corps, Regular Army; to the Committee on Armed Services.

By Mr. ROE:

H.R. 17469. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 17470. A bill to amend title II of the Social Security Act to increase from \$1,680 to \$2,400 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 17471. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 17472. A bill to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.R. 17473. A bill to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 17474. A bill to revise and reform the program of Federal assistance for local educational agencies in areas affected by Federal activities; to the Committee on Education and Labor.

By Mr. BURTON of Utah:

H.R. 17475. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. COHELAN:

H.R. 17476. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities de-

signed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. COUGHLIN (for himself, Mr. ANDERSON of Illinois, Mr. CAMP, Mr. DENT, Mr. ELBERG, Mr. FISH, Mr. HALPERN, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. KLEPPE, Mr. MORSE, Mr. SEBELIUS, and Mr. WILLIAMS):

H.R. 17477. A bill to provide appropriations for sharing of Federal revenues with States and their local governments; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 17478. A bill to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

By Mr. FULTON of Tennessee:

H.R. 17479. A bill to amend the Railroad Retirement Act of 1937 to provide a 5 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT:

H.R. 17480. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

H.R. 17481. A bill to provide for orderly trade in certain articles of leather (handbags, luggage, and personal leather goods); to the Committee on Ways and Means.

H.R. 17482. A bill to provide for orderly trade in toys, dolls, playthings, and novelties; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 17483. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking and Currency.

By Mr. HANSEN of Idaho (for himself and Mr. McCLURE):

H.R. 17484. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY:

H.R. 17485. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law, certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H.R. 17486. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 17487. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H.R. 17488. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 17489. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

By Mr. MOORHEAD:

H.R. 17490. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. NELSEN:

H.R. 17491. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 17492. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 17493. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. O'NEAL of Georgia:

H.R. 17494. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. BARRETT, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. ANNUNZIO, Mr. REES, Mr. HANLEY, and Mr. BRASCO):

H.R. 17495. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI:

H.R. 17496. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 17497. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 17498. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 17499. A bill for the relief of certain air taxi mail transportation operators; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 17500. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON:

H.R. 17501. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 17502. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

By Mr. WALDIE:

H.R. 17503. A bill to provide equitable access to the U.S. market for imported textiles; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 17504. A bill for the establishment of a Civilian Aviation Academy; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 17505. A bill to amend the Land Acquisition Policy Act of 1960, so as to define the consideration to be paid for taking of property for public purposes along navigable waters of the United States; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 17506. A bill to amend title 5, United States Code, to correct certain inequities in

the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ICHORD:

H.R. 17507. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Illinois (for himself, Mr. BIESTER, Mr. BUTTON, Mr. DON H. CLAUSEN, Mr. ERLBORN, Mr. FRELINGHUYSEN, Mr. HALPERN, Mr. MCDADE, Mr. MORSE, Mr. QUIE, Mr. STAFFORD, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT):

H.J. Res. 1215. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. BROWN of Ohio, Mr. COUGHLIN, Mr. HARSHA, and Mr. TIERNAN):

H.J. Res. 1216. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BRADEMAMAS:

H.J. Res. 1217. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on the Judiciary.

By Mr. CONABLE (for himself, Mr. GUDE, Mrs. HECKLER of Massachusetts, Mr. McCLOY, Mr. REID of New York, and Mr. MORSE):

H.J. Res. 1218. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. HASTINGS, Mr. McCLOSKEY, Mr. RIEGLE, and Mr. RUPPE):

H.J. Res. 1219. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives; to the Committee on the Judiciary.

By Mr. ESCH (for himself and Mr. ROBISON):

H.J. Res. 1220. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. ESHLEMAN (for himself and Mr. POLLOCK):

H.J. Res. 1221. Joint resolution proposing an amendment to the Constitution of the United States providing for representation in the Congress for the District constituting the seat of Government of the United States; to the Committee on the Judiciary.

By Mr. HOGAN:

H.J. Res. 1222. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1223. Joint resolution to authorize the President to designate June 1, 1970, as Medical Library Association Day; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself and Mr. FISH):

H. Con. Res. 595. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. DELLENBACK (for himself, Mr. BIESTER, and Mr. McCLOY):

H. Con. Res. 596. Concurrent resolution; the Congress declares national policy relative to Vietnam, Cambodia, Laos, and Thailand, and reaffirms its constitutional responsibility of consultation with the President; to the Committee on Foreign Affairs.

By Mr. LLOYD:

H. Con. Res. 597. Concurrent resolution; the Congress reaffirms its Constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 598. Concurrent resolution; the Congress reaffirms its Constitutional responsibility of consultation with the President on all matters affecting national decisions of war and peace; to the Committee on Foreign Affairs.

By Mr. RAILSBACK:

H. Con. Res. 599. Concurrent resolution; the Congress reaffirms its Constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. ROBISON:

H. Con. Res. 600. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on all matters affecting national decisions of war and peace; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 601. Concurrent resolution expressing the sense of the Congress regarding further steps of the President concerning Cambodia; to the Committee on Foreign Affairs.

By Mr. TIERNAN (for himself, Mr. CONTE, Mr. MOSS, Mr. FARBERSTEIN, Mr. O'NEILL of Massachusetts, Mr. BYRNE of Pennsylvania, Mr. ADDABBO, Mr. KYROS, Mr. POWELL, Mr. BURKE of Massachusetts, Mr. DENT, Mr. FRIEDEL, Mr. REES, Mr. OTTINGER, Mr. SCHEUER, Mr. RYAN, Mr. KOCH, and Mr. HATHAWAY):

H. Con. Res. 602. Concurrent resolution expressing the sense of the Congress regarding further steps of the President concerning Cambodia; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Con. Res. 603. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. OTTINGER, Mr. ROSENTHAL, Mr. MIKVA, Mr. LOWENSTEIN, Mrs. CHISHOLM, Mr. DIGGS, Mr. BINGHAM, Mr. RYAN, Mr. MCCARTHY, Mr. FARBERSTEIN, Mr. SCHEUER, Mr. HARRINGTON, Mr. PODELL, Mr. HALPERN, Mrs. MINK, Mr. EDWARDS of California, Mr. BROWN of California, Mr. CLAY, Mr. FRASER, Mr. REES, Mr. CAREY, Mr. HELSTOSKI, Mr. HECHLER of West Virginia, and Mr. GILBERT):

H. Res. 974. Resolution to designate May 8, 1970, as a National Day of Mourning for the Kent State University Students, etc.; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. COHELAN, Mr. KARTH, Mr. KASTENMEIER, Mr. ADDABBO, and Mr. BURTON of California):

H. Res. 975. Resolution to designate May 8, 1970, as a National Day of Mourning; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. HOWARD, Mr. PETTIS, Mr. GROVER, Mr. WAGGONER, Mr. McCLOSKEY, Mr. ICHORD, Mr. HOSMER, Mr. FLOWERS, Mr. RABICK, Mr. SEBELIUS, Mr. TIERNAN, Mr. PREYER of North Carolina, Mr. UDALL, Mr. MYERS, Mr. ABERNETHY, Mr. HALEY, Mr. HANNA, Mr. RODINO, Mr. GIBBONS, Mr. GALIFIANAKIS, Mr. COWGER, Mr. GRIFFIN, Mr. FUQUA, and Mr. GRAY):

H. Res. 976. Resolution to authorize a

select committee of the House to study first hand the recent developments in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. CLEVELAND, Mr. CEDERBERG, Mr. McDONALD of Michigan, Mr. FREY, Mr. MINISH, Mr. PRICE of Texas, Mr. McKNEALLY, Mr. PRYOR of Arkansas, Mr. BROWN of Michigan, Mr. CHAPPELL, Mr. WINN, Mr. DORN, Mr. EDWARDS of Louisiana, Mr. BUSH, Mr. HENDERSON, Mr. EILBERG, Mr. WILLIAMS, Mr. DENT, Mr. ROE, Mr. CARTER, Mr. QUIE, Mr. VANDER JAGT, Mr. HUNGATE, and Mr. SMITH of New York):

H. Res. 977. Resolution to authorize a Select committee of the House to study first hand the recent development in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. HASTINGS, Mr. HOGAN, Mr. MATSUNAGA, Mr. BURKE of Florida, Mr. DOWNING, Mr. HECHLER of West Virginia, Mr. WYDLER, Mr. WRIGHT, Mr. WEICKER, Mr. MCDADE, Mr. ROBISON, Mr. DON H. CLAUSEN, Mr. STEIGER of Arizona, and Mr. BRASCO):

H.R. 978. Resolution to authorize a select committee of the House to study first hand the recent developments in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. DERWINSKI (for himself, Mr. FLOOD, Mr. STRATTON, Mr. MINSHALL, Mr. DULSKI, and Mr. SCHADEBERG):

H. Res. 979. Resolution designating January 22d of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRELINGHUYSEN:

H.R. 17508. A bill for the relief of Jung Yung Mi and Jung Ae Ri; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 17509. A bill for the relief of Capt. Willie Paul Sims; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 17510. A bill for the relief of Bruce I. Gilbert; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 17511. A bill for the relief of Mario Castellano; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 17512. A bill for the relief of Edward M. Fleming Construction Co., Inc., a corporation in the process of liquidation represented by its surviving board of directors; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 17513. A bill for the relief of Maria Leann Iley; to the Committee on the Judiciary.

H.R. 17514. A bill for the relief of Kim Julia and Park Tong Op; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

473. The SPEAKER presented a petition of the Whittier (Cal.) Area Chapter, Coalition on National Priorities and Military Policy, relative to Vietnam; to the Committee on Foreign Affairs.