uled tonight by unanimous consent, some or all of which will undoubtedly require rollcall votes.

It is hoped that action can be completed on this bill some time late tomorrow—reasonably late, and not too late—and if that can be done, then, of course, on Friday the Senate will take up the defense appropriation bill. But, in any event, action will continue on the unfinished business until it is completed, at which time the Senate will then take up the defense appropriation bill.

There will be rollcall votes daily, through Saturday.

The distinguished majority leader stated today that the Senate would be in session on Saturday and that there would be rollcall votes that day.

In addition to the defense appropriation bill, there are various measures which need to be acted upon, if at all possible, before the close of business on Saturday afternoon, so as to enable the Senate to take up phase II of the President's economic proposals on Monday of next week.

This is a rather ambitious program, but the Senate has made very good progress thus far, in my judgment, and we can only hope it will continue to do so during the remaining 3 days of this week.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. 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 8:30 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 18, 1971, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 1971:

U.S. DISTRICT COURTS

Charles M. Allen, of Kentucky, to be a U.S. district judge for the western district of Kentucky, vice Henry L Brooks, elevated.

Clarence C. Newcomer, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, vice C. William Kraft, Jr., retired.

DEPARTMENT OF THE TREASURY

Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury, vice Murray L. Weidenbaum, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate November 17, 1971:

OFFICE OF ECONOMIC OPPORTUNITY

Phillip V. Sanchez, of California, to be Director of the Office of Economic Opportunity.

HOUSE OF REPRESENTATIVES—*Wednesday, November 17, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now let us strive after peace and help one another.—Romans 14: 19.

" 'Mid all the traffic of the ways
Turmoils without, within
Make in my heart a quiet place,
And come and dwell therein."

Living in our hearts, our Father, may we learn to love, to love Thee, and to love one another. Help us to triumph over the troubles that try us and the differences which divide us. May we have faith enough to forgive that our prayer may arise from a sincere heart.

We pray for our country. Sustain our leaders and give them wisdom to make wise decisions. Strengthen our people that they may live together in good will, with justice and for freedom.

We pray for the nations of the world. Make wars to cease and from ocean to ocean give us peace in our time, O Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

With objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 708. An act for the relief of the village of Orleans, Vt.

The message also announced that the Senate insists upon its amendment to the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. MCCLELLAN, Mr. PROXMIRE, Mr. INOUYE, Mr. YOUNG, Mrs. SMITH, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1828) entitled "An act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2672. An act to permanently exempt potatoes for processing from marketing orders.

DEATH OF J. HOWARD EDMONDSON

Mr. JARMAN. Mr. Speaker, it is with sadness that I announce the untimely death this morning of former Oklahoma Governor and U.S. Senator J. Howard Edmondson, the brother of our distinguished colleague, ED EDMONDSON. Howard's sudden death from a heart attack is a shock to his former colleagues in the Oklahoma congressional delegation. The dedication and ability with which he served our State will be greatly missed by those of us who knew and worked with him. I know that all Members of the House of Representatives join me in extending our deepest sympathy to the Edmondson family.

Mr. Speaker, I ask that Members have 5 legislative days in which to extend their remarks in the RECORD.

Mr. ALBERT. Mr. Speaker, I was shocked and deeply saddened at the news of Howard Edmondson's untimely death this morning. Howard was my longtime friend. He was the only brother of our beloved colleague, ED. He and ED were extremely close both personally and politically at the time of Howard's death. Howard was running ED's campaign for the U.S. Senate before he died, as ED had run his for Governor 13 years ago. I was with ED shortly after the announcement this morning, and I can only say that our personal loss is a great loss for the people of Oklahoma.

Howard Edmondson was a towering figure in our State. He served the people of Oklahoma well as Governor and as U.S. Senator, and the citizens of our State will benefit for years to come from the vital government reforms instituted during his 4 years as Governor.

Howard's death is a grievous personal loss for me, and Mrs. Albert joins me in extending deepest condolences to Howard's wife Jeanette, his children, his mother, his sisters, and ED.

Howard will be sorely missed, as a trusted friend and a great citizen of Oklahoma. He died in the prime of life, a life crowned with extraordinary achievements, and promising extraordinary accomplishments for the future. We thank the Almighty for giving this brilliant young man the opportunity to pass our way in our time.

GENERAL LEAVE TO EXTEND

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the passing of the late Hon. J. Howard Edmondson.

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

There was no objection.

DUTY-FREE ENTRY OF UPHOLSTERY, REGULATORS, NEEDLES, AND PINS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 640) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and it is not my intention to object, I do so to yield to the chairman of the committee for an explanation.

Mr. MILLS of Arkansas. Mr. Speaker, H.R. 640 would provide duty-free treatment for imports of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins by establishing a new item 651.06 in the Tariff Schedules of the United States—TSUS—under which all imports of these articles would be free of duty.

The committee was informed that there is no commercial production of these articles in the United States and that the domestic upholstery trade is dependent on imports of these articles. Imports of upholstery regulators and upholsterer's pins and regulating needles are not separately reported. However, it is known that the volume of such imports is small.

A bill similar to H.R. 640—H.R. 10875 of the 91st Congress—was approved by the House unanimously and passed by the Senate with an unrelated amendment. The House did not concur in the Senate amendment and H.R. 10875 died on adjournment of the 91st Congress. At the time the committee considered H.R. 10875 in the last Congress, it received favorable reports from the Departments of Labor, Commerce, Treasury, and State. No objection to H.R. 640 from any other source was received by the Committee.

The committee is unanimous in recommending passage of H.R. 640.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 640 and wish to express my thanks to the Committee on Ways and Means for its consideration of this measure and its unanimous recommendation that it be passed.

I have been working since 1967 for the passage of this legislation which would make duty free the imports of unholstery regulators, and upholsterer's pins. These items are not manufactured in the United States. Consequently the rationale of requiring a duty to protect domestic industry does not exist. Furthermore, the imposition of these duties penalizes the users of these items unnecessary. Every upholsterer of furniture and automobiles requires these tools for his trade.

The duty-free importation of the items covered by the bill would serve to improve the competitive status of American industry without harming any domestic producer.

Similar legislation was passed unanimously by the House near the close of the 91st Congress but died in the adjournment rush because of an unrelated amendment which was attached by the Senate. I am pleased it has reached the floor of the House again and urge its prompt enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 640, which would permit the duty-free importation of upholstery regulators and upholsterer's pins and regulating needles.

This is essentially the same legislation which was reported by the Committee on Ways and Means and passed by the House last year. The Senate also passed the measure, but added an unrelated amendment, in which the House did not concur. The legislation, therefore, died in the 91st Congress.

The upholstery regulators to which the bill refers are like knitting needles and are used to stuff furniture. They are dutiable at 11 percent ad valorem. The regulating needles are eyeless, about 12 inches long, and are dutiable at 10 percent ad valorem. The pins are 3 inches in length, have a loop instead of a head, and are dutiable at 11 percent ad valorem.

The committee was informed that there is no commercial production of these articles in the United States; therefore, the domestic upholstery trade has to depend on imports—the volume of which has been small.

When the committee considered this legislation in the 91st Congress, no objection to it was registered, and favorable reports were received from the Departments of State, Treasury, Commerce, and Labor.

The committee was unanimous in ordering the bill reported, and I urge the House to pass it now.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 6, part 3, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "upholstery regulators, and", and by inserting "and upholstery regulators, upholsterer's regulating needles, and upholsterer's pins," after "other hand needles," in the item description preceding item 651.01;

(2) by striking out "and upholstery regulators" in item 651.04; and

(3) by inserting after item 651.05 the following new item:

" 651.06	Upholstery regulators, upholsterer's regulating needles, and upholsterer's pins	Free	Free ".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF REED ACT FUNDS FOR CERTAIN ADMINISTRATIVE PURPOSES

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act, which was unanimously reported to the House by the Committee of Ways and Means.

The Clerk read the title of the bill.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. MILLS of Arkansas. I thank my friend for yielding.

Mr. Speaker, the purpose of H.R. 6065 is to extend for an additional 10 years the period during which States may obligate, for administrative purposes, certain funds transferred from excess Federal unemployment tax collections. The bill was reported unanimously by your committee, and the administration supports the bill.

In 1954, title IX of the Social Security Act was amended by the Reed Act to provide that the excess of Federal unemployment tax collections over the amount needed for loans and for administrative expenses be transferred to State unemployment accounts in the unemployment trust fund. The law permits the transferred funds to be used for employment security administrative expenses, under certain conditions including requirements that the money be specifically appropriated by the State legislature and be obligated within a limited period after the date on which it was transferred to the State's account. This period, which was originally set at 5 years, was extended to 10 years in 1963 and to 15 years in 1968. After this period, the money becomes part of the State's reserve for benefit payments only. The effect of this bill would be to extend the period to 25 years after the funds were transferred.

In 1954 when the provision for these transfers was enacted, it was anticipated on the basis of past experience that funds would be transferred to the States almost every year. Since then, however, several developments or changes have occurred, such as the demands that were made on the loan fund and the creation of the employment security administration account and the extended benefits account, both of which must be built up to prescribed levels before funds can be credited to the States. As a result of these and other developments, funds have been credited to the States only in 3 calendar years, 1956, 1957, and 1958. No additional transfers are anticipated in the foreseeable future.

The funds that have been transferred under this authority have been used by the States primarily to acquire office space for use in operating the employment security program. Thirty-eight States have used the funds to construct such office space.

By using the transferred funds for buildings, States have been able to obtain more satisfactory facilities than would otherwise have been possible. Because these funds spent for building construction can be repaid from current grants for rentals, which are credited to the State's account in the unemployment trust fund, they become available again to construct additional buildings, but only within the period specified. After amortization through the rental grants, the State employment security agency gets the space rent free and Federal grants with respect to such space are made only for its operation and maintenance.

Your committee is unanimous in recommending enactment of this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 6065, a bill to extend for an additional 10 years the time during which the States may obligate certain excess Federal unemployment tax collections for administrative purposes.

Under the Reed Act, passed in 1954, Congress provided that Federal unemployment tax receipts not needed for administrative expenses or loans were to be credited to the individual State accounts in the unemployment trust fund. At the time the Reed Act was passed, it was anticipated that there would be balances resulting in a spillover to the State funds for many years. However, subsequent events, including greater demands on the loan fund and more recently, the enactment of the Federal extended unemployment benefits program, have placed greater demand on Federal unemployment tax resources and amounts have been returned to the States in only 3 calendar years—1956, 1957, and 1958. No additional transfers are anticipated in the foreseeable future.

The law permits the States to utilize the transferred balances for administrative expenses related to their unemployment compensation program when a specific appropriation is adopted by the State legislature. Many of the States have used the funds for the construction of buildings used in the administration of their unemployment compensation programs. It is generally agreed that the use of these funds to buy land and construct buildings has resulted in an overall reduction in administrative costs payable from the proceeds of the Federal tax and can be expected to do so in the future. This use of Reed Act funds has been salutary for the Federal Government and the States, as well as beneficiaries and the taxpayers. However, the Reed Act required that the amounts transferred to the States be expended for administrative purposes within 5 years of the time of the transfer. This period has been extended on two prior occasions by the Congress, and this bill will provide an additional 10-year extension.

This bill extends a method of financing a part of our employment security program that experience has shown to be effective. I commend the bill, which was unanimously reported by the committee, to the House for approval.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903(c)(2) of the Social Security Act (42 U.S.C. 1103(c)(2)) is amended—

(1) by striking out "fourteen preceding fiscal years," in subparagraph (D) of the first sentence and inserting in lieu thereof "twenty-four preceding fiscal years,";

(2) by striking out "such fifteen fiscal years" in subparagraph (D) of the first sentence and inserting in lieu thereof "such twenty-five fiscal years"; and

(3) by striking out "fourteenth preceding fiscal year" in the second sentence and inserting in lieu thereof "twenty-fourth preceding fiscal year".

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

FEDERAL UNEMPLOYMENT TAX IN CASE OF INSURANCE AGENTS REMUNERATED SOLELY BY COMMISSIONS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7577) to amend section 3306 of the Internal Revenue Code of 1954, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. MILLS of Arkansas. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding.

Mr. Speaker, the purpose of H.R. 7577 is to provide that the exclusion from the definition of the term "employment" under the Federal Unemployment Tax Act of the services of insurance agents and solicitors who are compensated on a commission basis will be applied on a calendar-quarter basis rather than an annual basis or an individual pay period basis. This bill was reported unanimously by your committee. The administration supports the bill.

Section 3306(c)(14) of the Internal Revenue Code of 1954 excepts from the meaning of the term "employment," for the purposes of the Federal Unemployment Tax Act, "service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed solely by way of commission."

By ruling, the Internal Revenue Service applied this exception only in instances where all of the remuneration paid to an insurance agent or solicitor throughout the entire calendar year was remuneration solely by way of commission.

Under the ruling, in any case in which any other type of remuneration, in cash or in kind, is paid by an employer to an insurance agent or solicitor at any time during the calendar year, the employer is liable for the tax with respect to all of the remuneration paid to the employee during the entire calendar year, including all remuneration by way of commission. For example, if an employer conducts a training program and pays its agents a salary while participating in such program, all of the earnings an agent receives from the employer, during the year, including commissions, is subject to the Federal Unemployment Tax Act.

Section 3306(d) of the code provides that where an employee performs taxable services and also exempt services during a pay period, then the employee's total services for that pay period will be treated as being exempt if more than half of those services are exempt. From this, it has been argued that present law contemplates that coverage or exemption is to be determined on a pay period by pay period basis. As applied to insurance salesmen this would mean that a salary payment in one pay period would result in taxation only of that period's compensation without affecting the compensation received during other pay periods in the year.

This bill is intended to resolve that controversy for the future. Under the bill, a salary payment in any calendar quarter would have the effect of making commission income for the entire calendar quarter subject to the Federal unemployment tax. At the same time, the bill would exempt from the Federal unemployment tax all commission income if that were the only type of remuneration paid by an employer to an insurance salesman in a calendar quarter even though a salary payment was made to such salesman in another calendar quarter of the year.

The bill would also adapt the provisions of section 3306(c)(14) to the system of collecting Federal unemployment taxes on a quarterly basis which was adopted under Public Law 91-53. This would avoid administration or collection problems that might arise under the existing quarterly collections system and the Service's ruling with respect to insurance salesmen in cases in which a salary or bonus payment is made to an insurance salesman late in a calendar year. Such a payment could affect the validity and accuracy of tax payments and reports completed in good faith for earlier calendar quarters and could require new computations and correcting adjustments in later reports.

Mr. Speaker, your committee is unanimous in recommending enactment of this legislation. The effect of the bill on coverage and unemployment tax revenues would be negligible.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 7577, which would

amend the exclusion from covered employment under the Federal-State unemployment compensation program of insurance agents and solicitors compensated on a commission basis.

The definition of employment in the Federal Unemployment Tax Act excludes the services of an insurance agent or an insurance solicitor if all the services performed by the individual are performed solely by way of commission. The Internal Revenue Service has ruled that if any services are performed at any time during the calendar year by an insurance agent or solicitor on a salaried basis then all remuneration during the entire calendar year up to the wage base is subject to taxation.

This created no real problem prior to 1969 when unemployment taxes were collected on an annual basis for each calendar year. However, in 1969, Congress amended the law to provide for collection of the Federal unemployment tax on a quarterly basis. Employers are now confronted with a problem, since their tax liability for any of the first three quarters of the calendar year may be affected if an employee in the last quarter of the calendar year attends a training course for which he is paid on a salaried basis. Since the noncommission income of the last calendar quarter affects the liability for the entire year, amended returns must be filed and employers cannot file returns during the early calendar years with any certainty as to their accuracy.

The bill before the House would amend the law to apply the criteria for the exclusion of insurance agents and solicitors on a calendar quarter basis corresponding to the period for which the tax is now paid. Under the law as amended by this bill, the liability would be computed each calendar quarter on the basis of whether the insurance salesman or solicitor rendered any services on a noncommission basis during that particular calendar quarter.

Mr. Speaker, the bill was unanimously reported by the Ways and Means Committee. The measure proposes an amendment that will substantially improve our unemployment compensation law and I feel it should be adopted.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7577

To amend section 3306 of the Internal Revenue Code of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3306(c)(14) of the Internal Revenue Code of 1954 (relating to insurance agents remunerated solely by way of commission) is amended to read as follows:

"(14) service performed in a calendar quarter by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person in such quarter is performed for remuneration solely by way of commission;".

(b) The amendment made by subsection (a) shall apply to service performed in calendar quarters ending after the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUMP-SUM DEATH PAYMENTS IN CERTAIN CASES WHERE INSURED INDIVIDUAL'S BODY IS UNAVAILABLE FOR BURIAL

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. MILLS of Arkansas. Mr. Speaker, the purpose of H.R. 10604 is to permit the payment of the social security lump-sum death payment to pay for memorial services expenses and related expenses for an insured individual whose body is not available for burial. The provisions of this bill would be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occurred after December 31, 1970. The bill was reported unanimously by your committee.

Under present law, the social security lump-sum death payment is made to an insured person's surviving spouse, whether or not his body is available for burial, if they were living together at the time of his death. Where no eligible spouse survives, the lump-sum death payment is contingent upon there being burial expenses. The payment can be made directly to the funeral home for any unpaid burial expenses upon the request of the person who assumed responsibility for those expenses, or the payment can be made as reimbursement to the person who is equitably entitled to the payment by reason of his having paid the burial expenses. In the latter cases, when the body is not available for burial or cremation, there can be no burial expenses, and therefore, the lump-sum death payment cannot be paid under the law.

While there may be no burial expenses incurred when an insured person's body is not recovered, the family often incurs expenses in connection with his death, such as expenses for a memorial service, a memorial marker, or a site for a marker. Mr. Speaker, your committee believes that there is no valid reason for denying the lump-sum death payment to help defray the cost of such expenses. On the contrary, it is difficult to justify not paying the lump-sum in such instances, especially in those cases in which the death payment is the only social security benefit that could be payable on the deceased person's earnings record. Most of the current cases in which the body of the decedent is not recovered involve servicemen killed in action.

Your committee believes that, because of the above considerations and because the cost of the change would be negligible, the social security lump-sum death payment should be provided for equitably entitled individuals to the extent that they incur expenses customarily connected with a death, even though the body may be unavailable for burial.

Mr. Speaker, your committee knows of no opposition to this bill and is unanimous in recommending enactment of this legislation.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does this have to do with cremation?

Mr. MILLS of Arkansas. If the gentleman will yield, Mr. Speaker, no, it has to do solely with cases where death has occurred under circumstances that the body itself is not recovered and therefore cannot be buried or cremated. Under existing law we make this lump-sum death payment in the cases in which a body is available for burial or cremation. Now we suggest that the money could be used for memorial purposes as well.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 10604, which would amend title II of the Social Security Act to permit payment of the lump-sum death benefit in certain cases in which the body of the insured is not available for burial.

Under existing law, the lump-sum payment can be made to a surviving spouse, whether or not the insured's body is available for burial. But in cases where there is no eligible surviving spouse, the payment can be made only for burial expenses—either to a funeral director, at the request of the person who assumes responsibility for burial expenses, or as direct reimbursement to the person who actually paid the burial expenses.

But when there is no surviving, eligible spouse, and there is no body available for burial or cremation, the lump-sum payment cannot be made.

It was called to the committee's attention that application of this provision is difficult to justify in some cases—for example, where a body is not available because the insured was a serviceman killed in foreign action or where the insured was drowned and carried away by the sea. In these cases, the family of the insured nevertheless may incur certain death-connected expenses—such as the costs of a memorial service or marker—which would seem to warrant payment of the lump-sum benefit.

The committee felt this is especially true where the lump-sum payment is the only possible social security benefit payable on the earnings record of the deceased.

The committee, therefore, has unanimously recommended enactment of this bill, which would allow payment of the lump-sum benefit, in the absence of both

the body and an eligible surviving spouse, to any equitably entitled person or persons as reimbursement for expenses incurred in connection with the death of the insured.

The bill obviously has limited application, and the Department of Health, Education, and Welfare has agreed with the committee that its costs would be negligible.

Against this background, Mr. Speaker, I urge the House to pass H.R. 10604.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOLIFIELD. Mr. Speaker, I am most grateful to the distinguished chairman of the Committee on Ways and Means and the members of that committee for the expeditious handling of H.R. 10604, which I introduced on September 13, 1971.

This bill is designed to correct an inequity contained in the Social Security Act which falls most heavily upon the bereaved relatives of deceased servicemen whose body cannot be recovered for burial.

This situation was brought to my attention by my constituent, Mrs. Joseph Pickett of Whittier, Calif. Mrs. Pickett's son, Cpl. Robert Eugene Grantham, was killed as a result of enemy action in the A Shau Valley in Vietnam. His body was completely consumed in the flames of a helicopter which had exploded on impact with the ground. Mrs. Pickett was subsequently given a bronze plaque. However the social security law did not provide funds for a marker, a memorial service, or a memorial plot, through which to honor her son's memory and service to his country.

In her letters to me, Mrs. Pickett made it very clear that she seeks nothing for herself but only a change in the law to prevent additional grief and anxiety to others who might find themselves in the same position.

To Mrs. Pickett, nothing could better demonstrate democracy in action than the passage of this bill.

I insert in the RECORD the last letter which Mrs. Picket received from her son:

DEAR MOM: I joined the army because I believed in America. The Army tried to put me in Clerk school, but I told them I wanted to be in the infantry. Then I volunteered for jump school. They asked me to join the pathfinders but at the same time, they told me it meant Vietnam. Knowing this, I again volunteered because I thought I was really doing something for my country. I figured it was better than burning down my school. I will tell you, this being with your friend alive one minute and dead the next takes all the gung-ho-ness out of a person. I've seen some of the guys get sick and throw up when they hear that they have to go out.

I know and they know the war is still on. The tax payers worry about being sure that we only shoot so many rounds per month. Let's fight this war or get the hell out. We're tired of fighting a war with rules, no weapons and a limit in ammo. I feel like the war is something people talk about but never get off their behinds to do anything about it. I think it is time for the silent majority to make some noise. I'm sure if you were crawling through the brush and you couldn't see 5 feet in front of you and you were being shot at, you would make noise in a hurry.

I volunteered to go into the middle of two battalions of NVA along with five other guys to get a body from a crashed helicopter. I'm no hero but all the guys here are the same way, we have a job to do.

Mom, my new job, if you want to know, I did volunteer for it. Someone has to do it. I am the hunter of a hunter killer team and I ride in or pilot a very small helicopter at tree top level until the enemy fires at us then the larger gunships behind us come in to wipe out the enemy. I feel I am doing something for the war effort and maybe hurting some of those people that have hurt my friends.

JANUARY 22

My luck ended on Jan. 22 when my ship was badly shot up. I saw the VC's rifle leaning against a tree and he got to it before I could get to my machine gun but we made it back to base.

FEBRUARY 10

This was another bad day—my luck was pretty good though. We were shot down by mistake by the South Vietnamese and not a scratch.

FEBRUARY 16

DEAR MOM: I feel that I will make it home. I only have 97 days of flying left. Mom, if the army ever comes to tell you I'm missing in action, it only means one thing, I'm dead—they can't find my body. Mom, please don't worry about me because I'm not worried about me. I'll do my best to stay alive but I'm not afraid to die. If I die, I'll be doing it for my country, friends and family so that my brother or friends never have to come over here to see what I've seen—I've seen so much dying. Right now I have a feeling of emptiness like I've never had before without purpose and feel I need something but I don't know what that somthing is. In other words, I'm a very mixed up kid.

Your loving son,

BOB.

MARCH 1.

DEAR MOM: I have 135 days left before you see me walk through the door. My time is getting short. I haven't much to say. I love you all and miss you very much.

Love,

BOB.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202(1) of the Social Security Act is amended (a) by striking out "or" at the end of clause (2), renumbering clause (3) as clause (4), and adding after clause (2) the following new clause (3):

"(3) if the body of such insured individual is not available for burial, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid expenses of a burial or memorial service or both and related expenses for such individual (and the Secretary shall by regulations prescribe the criteria for determining when and whether an insured individual has died if, at the time such individual is alleged to have died, such individual was serving as a member of the Armed Forces of the United States and if the body of such individual has not been recovered or"; and

(b) By striking out in the renumbered clause (4) "clauses (1) and (2)" and inserting in lieu thereof "clauses (1), (2), and (3)".

SEC. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) the second sentence of section 202(1) of the Social Security Act is amended by striking out "or" at the end of clause (2), by renumbering clause (3) as clause (4), and by inserting after clause (2) the following new clause:

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto to the extent and in the proportions that he or they shall have paid such expenses; or".

(b) The second sentence of section 202(1) of such Act is further amended by striking out "clauses (1) and (2)" in the clause renumbered as clause (4) by subsection (a) and inserting in lieu thereof "clauses (1), (2), and (3)".

SEC. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendment and that it be printed in the RECORD.

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

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in connection with the bills just passed, and I ask unanimous consent that the authors of the bills may be permitted to extend their remarks.

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

There was no objection.

PERMISSION FOR CLERK TO CORRECT TYPOGRAPHICAL ERROR IN ENGROSSMENT OF H.R. 6065

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Clerk may correct a typographical error, in the engrossment of H.R. 6065, just passed.

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

There was no objection.

CORRECTION OF ENDORSEMENT OF H.R. 10729, TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTCIDE ACT

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 709) and ask unani-

mous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 709

Resolved, That the Senate be requested to return to the House the bill (H.R. 10729). To amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, and that the Clerk be authorized to reengross said bill with the following correction:

On page 58, of the engrossed bill, following line 19, insert the text of Sections 3 and 4 as they were passed by the House as part of the bill on November 9, 1971.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. 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. 396]

Abbitt	Dowdy	Lent
Alexander	Downing	Link
Anderson, Tenn.	Dulski	McClure
	Edmondson	McDade
Ashley	Edwards, Calif.	McKevitt
Badillo	Edwards, La.	Mathias, Calif.
Betts	Fish	Mikva
Blackburn	Fisher	O'Hara
Blatnik	Foley	Pelly
Boggs	Ford, William D.	Roberts
Celler		Rosenthal
Chappell	Forsythe	Runnels
Chisholm	Fraser	Scheuer
Clark	Gallagher	Schwengel
Clausen, Don H.	Goodling	Stanton, James V.
	Griffiths	
Clay	Halpern	Steed
Conyers	Hillis	Steele
Cotter	Hosmer	Teague, Calif.
Dellums	Kee	Thompson, N.J.
Derwinski	Kuykendall	Widnall
Diggs	Landgrebe	

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

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

REFUSAL OF UNITED STATES TO SELL PHANTOM JETS TO ISRAEL

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

Mr. GUDE. Mr. Speaker, the recent statement by Secretary Rogers that the United States will not sell Israel any more Phantom jets at this time is most disturbing. The assertion by the Secretary that Soviet shipments of arms to Egypt have been moderate, does not square with the bellicose language that has been coming out of Cairo lately.

The intent of the administration should not be to pressure Israel into accepting the interim settlement laid down by the Department of State last month. Instead the United States should continue to encourage a negotiated settlement between the Arabs and Israel. No agreement that has been imposed by the big powers will be respected. No peace that has come about through pressure rather than the voluntary settlement of differences will ever last.

The United States has a commitment to Israel—a commitment that has the full support of both the House and the Senate. Our military assistance to Israel should be designed to guarantee them security so that both Israel and the Egyptians will realize that a voluntary agreement is the only possible answer to the Middle East dilemma. We should stop using our assistance to force Israel into concessions that we feel are appropriate, but which could hurt one of our very best friends in the community of nations.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow to file a conference report on House Joint Resolution 946, making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. GROSS. Mr. Speaker, reserving the right to object, I understand this is the continuing resolution?

Mr. MAHON. This is the continuing resolution which was sent to conference last night.

Mr. GROSS. Has there been any agreement reached by the conferees?

Mr. MAHON. There have been informal discussions but no formal meeting of the conferees.

Mr. GROSS. Mr. Speaker, under those circumstances, I object.

The SPEAKER. Objection is heard.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. MAHON. 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. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER. The Chair requests that the gentleman from Texas (Mr. PICKLE) temporarily assume the chair.

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. 11731), with Mr. PICKLE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday the Clerk had read through line 9, page 22 of the bill. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,358,319,000, and in addition, $20,000,000 to be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1971/1972", to remain available for obligation until June 30, 1973.

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

I wish to take exception to the deletion of $2.1 million pertaining to the improved CH–53 for the U.S. Navy and U.S. Marine Corps.

There is, I presume, some misunderstanding on this matter because of previous communications from the chairman of this committee and the Under Secretary of Defense, as set forth in the hearings on page 81.

I have researched this matter and it is clear to me that the triservice heavy-lift helicopter still is the program supported by all the services, including the U.S. Navy for their land operations when this helicopter becomes available in 1980. This helicopter will be too large for operation from most of the vessels used to support Marine Corps amphibious operations. For this reason, the Navy and Marine Corps require increased helicopter capability for tactical use in amphibious warfare. This is the purpose of their request for the improved CH–53.

The improved CH–53 is to be an advanced version of the present CH–53 now in the Navy/Marine Corps inventory. If developed it would be the largest helicopter, with a payload of 16 tons, that could be operated from ships utilized for amphibious landings.

The improved CH–53 does not represent a technological risk, since most of the components are derivatives of the CH–53 now in operation with the U.S. Marine Corps. May I add that the CH–53 has an excellent record in Vietnam and is used by the U.S. Navy, Marine Corps., and U.S. Air Force.

There should be no question about developing a three-engine version of the CH–53 since the aircraft was originally designed for growth in this manner. Sikorsky helped develop the three-engine Super Frelon built in France and this three-engined aircraft has held the world's speed record for 8 years.

Mr. Chairman, on page 111 of the report the committee deletes the prior year funds available for this program.

I quote from the language of the committee:

The committee feels that it was misled in this affair and wants to very carefully review any other heavy lift helicopter efforts before placing funds in this area.

I would hope that the committee would keep an open mind on this problem, which in my opinion can still be resolved. The fact is I do not believe the Department of Defense misled the com-

mittee. It came in here some years ago saying it could develop one heavy lift helicopter to do all the functions. It subsequently developed that the heavy lift helicopter, to be designed and built some time around 1980, can do all the functions for the services, including many of the functions which the Navy will need, but it cannot be operated from assault ships for Navy and Marine assault-type operations.

I think it is to the credit of the services that they wrote to the committee in time and explained the problem to the committee and informed it that for these limited assault-shipboard services the Navy needs a smaller helicopter which can be stored on board. By doing this, in my opinion, the services have avoided the pitfalls of a promise such as was made some years ago which led to the great fight over the TFX or the F–111; a promise of a weapons system which was originally designed to perform services for all of the branches of the Armed Forces and was, subsequently, not capable of performing them at all.

I submit that the Navy feels very strong about this program, and I believe it can make an excellent case. I would ask the subcommittee and the chairman of the committee, the gentleman from Texas (Mr. MAHON), if they would keep an open mind in this area and allow the Navy to present their case in a convincing fashion. If so, we could proceed with this program.

Mr. MAHON. Will the gentleman yield?

Mr. GIAIMO. I am happy to yield to my chairman.

Mr. MAHON. The Defense Department came before the committee last fall and convinced the committee that a single heavy-lift helicopter for all of the services would be in order. This seemed like a very attractive idea and funds were appropriated based on this understanding. Subsequently, they had a competition for an all-purpose heavy-lift helicopter. A contractor was selected for that job and only then was the committee told that that helicopter was not suitable for all uses. The gentleman has demonstrated a very deep understanding of the problem confronting the committee.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, it is suggested that we ought to have an open mind with regard to the Navy requirements, and I think the position of the gentleman from Connecticut is valid. I think we must keep an open mind in regard to this matter.

No one I know of is set in concrete in connection with what decision should eventually be made in this matter. We recognize that conditions and concepts change.

I know the gentleman from Connecticut, a member of the Committee on Appropriations himself, is quite aware of the various problems involved here, and I am sure there will be some solution to the problem.

I thank the gentleman for raising the issue here.

Mr. GIAIMO. I thank the gentleman.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 23, line 20 immediately after "$2,358,319,000" strike out the comma, and insert in lieu thereof the following: "(of which $10,000,000 shall be available only for initiating the development of two prototype, light air superiority aircraft, one of which shall not be procured from contractors engaged substantially in either the F–14 or F–15 programs),".

Mr. MOORHEAD. Mr. Chairman, the amendment I am offering is a promilitary, pro-Navy amendment. If adopted it means that the Congress is telling the Navy to plan to consider buying a light air-superiority aircraft—something which they do not have and something better than they now have.

The amendment at the same time, however, is critical of the miltary. Quite frankly, it does not stop the F–14 but it questions the advisability of proceeding much further with the acquisiton of the F–14 airplane.

I am not an aerospace engineer nor a cost accountant but I have a keen sense of smell.

The F–14 has a C–5A odor—the smell of cost overruns and performance underruns.

When I smelled this in the C–5A program I tried to defeat that wasteful program by a direct frontal attack, but I relearned the truth of the political axiom that you can not beat something with nothing.

I think the overly costly and potentially under performing F–14 program should be terminated before more of the taxpayers' valuable dollars are spent on this new military boondoggle.

However, Mr. Chairman, we do not now have an alternative to the Navy's undoubted need for an up-to-date light air-superiority aircraft.

My amendment would set aside $10 million of the amount appropriated for two prototypes of a lighter air-superiority aircraft from a very hungry aerospace industry, as an alternative to the very questionable F–14—an alternative which the Armed Services Committees, the Appropriations Committees, and the Congress can consider before we irrevocably commit ourselves to this dubious $25 billion F–14 venture.

Why the necessity for an alternative? Because even if—and that is a very big if—even if the F–14 should come close to meeting its specifications, it still will be no match for the Soviet's current Mig–23 in either speed, altitude, or maneuverability.

Mig–23's are now flying over Israel with impunity because they can not be reached by our F–4's. Our F–14's or F–15's which have not even been deployed yet, are slower, lower altitude airplanes even if they meet specifications.

To those of my friends, who as I do, support the best for the military, I ask you to vote for the amendment so that we may have an alternative to buying an airplane already inferior in many respects to those the Soviets have already deployed.

To those of my friends, who as I do, oppose waste in military spending, I ask you to vote for this amendment so that next year we can have a reasonable and responsible alternative to this overly-costly and definitely inferior aircraft.

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

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

The gentleman raises a good point, of course, in that we do need to try to develop some lightweight fighter aircraft, less expensive aircraft, and it is for that reason that we have in this bill funds for the development of such a plane. That task has been assigned to the Air Force.

Mr. Chairman, the amount contained in the bill for the prototype development of a lightweight fighter is $6 million.

There has been no request from the Department of the Navy or the Department of Defense or from the Office of Budget and Management for funds for the development by the Navy of an additional lightweight aircraft.

As we proceed a little further along with the Air Force prototype effort, we would hope that the aircraft development will be successful as to performance and low cost, and that the plane could be made compatible for both the services at minimal additional cost. Of course, it is too early to know that. It seems to me that a single prototype development effort for a lightweight fighter which is proposed in this bill is enough for us to do at this time. This should also be a more economical approach than initiating two separate and competing Navy and Air Force programs for the development of lightweight fighters.

So, I would respectfully request that the amendment be defeated. I realize the intent of the amendment is in recognition of the fact that we do need lighter weight, less expensive fighters.

We believe we have taken the necessary steps to achieve this goal. It does not seem to me that the inclusion of additional funds, as proposed here, to initiate another lightweight fighter prototype development program is warranted.

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

Mr. MAHON. I yield to the gentleman from New York.

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

The thing that concerns me about this is the language in the amendment which says that they shall not be procured from contractors engaged substantially in either the F–14 or F–15 programs.

Frankly, almost every major contractor engaged in building planes in America today is engaged in these programs to some degree, and if we are going to get planes built by somebody else who is not in the aircraft building business I cannot think of a more wasteful way to proceed. I just do not understand what "substantially engaged" means. It seems to me that the language as set up in this amendment would say that you have to go, if you are going to get a plane developed, to a company that has not been involved in the manufacturing of planes, and I think this would be a very wasteful way to proceed.

Mr. MAHON. I too believe we should

not proscribe any contractor. Language to prohibit any contractor from participating in a program would be contrary to usual practice and very dangerous. I would think that the Navy itself, if it had the funds and desired to go forward with this kind of a program, would select contractors who were objective and who did not have conflicting interests. But regardless of that, I think it would be a very bad policy indeed to have this sort of amendment adopted by the House.

I oppose the amendment under all the circumstances, irrespective of the fact that I share the views of the gentleman from New York that a prohibition against certain contractors who might be considered for the contract is not good legislation.

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

Mr. MAHON. I yield to my distinguished friend, the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding to me. My objective was not to proscribe the contractors for the F–14 and F–15, but the desire to carry on with the prototype because a major part of their work would of course be with those planes. However, if I could secure the support of the distinguished chairman of the Committee on Appropriations, I would certainly accept an amendment deleting that part of the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MINSHALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I certainly agree with everything the chairman of the full Committee on Appropriations has said in opposition to the amendment offered by the gentleman from Pennnsylvania (Mr. MOORHEAD) and I hope that the House will see fit to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an expected expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

Mr. CRANE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-seven Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 397]

Abbitt	Dowdy	McKevitt
Alexander	Downing	Mathias, Calif.
Archer	Dulski	Mikva
Ashley	Edmondson	Murphy, N.Y.
Bell	Edwards, Ala.	Purcell
Betts	Edwards, La.	Railsback
Blackburn	Erlenborn	Rangel
Blatnik	Fish	Rees
Boggs	Ford, Gerald R.	Roberts
Brasco	Forsythe	Rooney, Pa.
Carey, N.Y.	Frey	Rosenthal
Celler	Goodling	Runnels
Chappell	Gray	Ruth
Clark	Halpern	Scheuer
Clausen, Don H.	Harsha	Steed
Clay	Hébert	Steele
Corman	Hosmer	Stokes
Cotter	Hungate	Teague, Tex.
Daniel, Va.	Kee	Tiernan
Danielson	Kuykendall	Wilson, Charles H.
Derwinski	Landgrebe	Wolff
Diggs	Link	
Dingell	McClure	
	McDade	

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 that Committee, having had under consideration the bill, H.R. 11731, and finding itself without a quorum, he had directed the roll to be called, when 362 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk was about to read the amendment offered by the gentleman from Illinois (Mr. YATES).

The Clerk will report the amendment.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Chairman, had not the Clerk read the amendment, and had I not been recognized when the Committee rose?

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair will state, in response to the inquiry of the gentleman from Illinois, that the Clerk had not read the amendment.

AMENDMENT OFFERED BY MR. YATES

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 34, line 16, strike the comma and insert the following words: "for a period of 60 days" and reinsert the comma.

And on line 18, change the period to a comma and insert the following words: "and there shall be no further expenditures for said purpose beyond said period without first obtaining the approval of the Congress" and reinsert the period.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

Mr. Chairman, this bill came to the House under a rule for several reasons, particularly because the authorization bill had not been signed by the President. The section involved here relates to the emergency powers of the President to call up Reserve forces and to pay them, and for the Defense Department to provide support. This has been the law in this bill for 10 or 12 years.

This provision has been used by the President on one occasion, and that was in connection with the Berlin crisis in 1961, and that is the only time this provision of law has been utilized.

The gentleman from Illinois says that in the case of a special emergency action which is supported by the Defense Department, that within 60 days after the special action is taken, then Congress would have to meet and approve the action of the Executive, or else the privilege of the Department of Defense to support the men called up would be withdrawn.

So, Mr. Chairman, this amendment is very legislative in character and involves a major policy issue relating to our military forces and our foreign policy and it certainly should not be modified under these circumstances.

It is, of course, legislation on an appropriation bill and for that reason is subject to a point of order, as I see it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES) on the point of order.

Mr. YATES. My amendment is purely a limitation. The purpose of this section of the appropriation bill is to eliminate the need for appropriations for the action that may be taken by the President in calling for troops over and above the amounts that are authorized to be funded under legislation passed by the Armed Services Committees of both the House and Senate and appropriations approved by the Appropriations Committees of both the House and Senate.

This section says that the President need not have to come to the Congress for appropriations for the troops that he calls up. My amendment is a limitation on that waiver and, therefore, as a limitation on the waiver of appropriations, it is in order.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the point of order.

The Chair first points out that the rule under which this bill is being considered waives points of order against the language in the bill. It is well established that where legislation in a general appropriation bill is permitted to remain, as here, under a waiver of points of order, it may be perfected by germane amendments provided they do not add further legislation.

The question, Does this add further legislation?

In the opinion of the Chair, the amendment is germane and does not add additional legislation since it restricts or narrows the legislative impact of the legislation already in the bill.

The Chair, therefore, overrules the point of order made by the gentleman from Texas.

Mr. YATES. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. RHODES. Mr. Chairman, a further point of order.

Mr. YATES. Mr. Chairman, I understand the point of order has been overruled.

The CHAIRMAN. The Chair has overruled the point of order of the gentleman from Texas, but the gentleman from Illinois has not yet begun his remarks.

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Chairman, a parliamentary inquiry, is not a further point of order in order?

The CHAIRMAN. The Chair will hear the gentleman from Arizona on the parliamentary inquiry.

Mr. YATES. Mr. Chairman, I thought I had been recognized.

Mr. RHODES. Mr. Chairman, a parliamentary inquiry is whether or not a further point of order can be made at this time?

POINT OF ORDER

The CHAIRMAN. The Chair will hear the point of order.

Mr. RHODES. Mr. Chairman, the point of order refers to the fact that this is legislation on an appropriation and not as to whether it is germane to the bill. Obviously, it is legislation on an appropriation because I asked the Chair to consider the fact that on page 34 of the bill which is before the committee, there is a referral to an act of Congress; to wit, the Revised Statutes 3732 (41 U.S.C. 11).

Mr. Chairman, the amendment of the gentleman from Illinois would amend this act of Congress in that it would provide a provision, or would add a provision, to a law which is not now in existence.

The CHAIRMAN. The Chair will state, in the opinion of the Chair, the amendment offered by the gentleman from Illinois perfects, in a germane manner, legislation which is already in the bill and, therefore, overrules the point of order.

The Chair recognizes the gentleman from Illinois (Mr. YATES) to speak on his amendment.

Mr. YATES. I thank the Chair. Mr. Chairman, frankly I am very much surprised that the Committee on Appropriations should have approved this section and inserted it in the bill because it surrenders to the President the power of Congress to establish troop levels of our armed services and to pay for them.

The Armed Services Committees of the House and Senate go through hearings for months and establish troop levels for the Army, Navy, the Marine Corps, and for the Air Force. The Appropriation Committees of the House sit for months and decide what amount of money should be appropriated to support the troop levels that have been established. This section gives the President the right to supersede their action by his own.

In this section of the bill, the President is given authority without any further action of the Congress to increase the number of military personnel on active duty beyond the numbers for which funds are appropriated in the act, and the Secretary of Defense is authorized to waive the requirement for appropriations in support of the President's actions. Under this section the President's action must be upheld by the Congress. The Congress waives its oversight role over the purse strings.

If that is not the delivery of awesome power to the President I do not know what is. No President, be he Republican or Democrat, should have the power, free from congressional check, that this language gives him.

It is argued, yes, that the President needs flexibility; he needs the authority to act in a hurry. This may be true. But my amendment does not restrict that power. It asserts the congressional power to participate as well.

The President ought not to have such power. It asserts the congressional power not to have that power indefinitely. If he believes that he needs the extra troops he has activated beyond 60 days, he should be required to come to the Congress and justify the need for the additional troops. He can act to meet a situation that requires extraordinary action. Under my amendment he must justify continuation of his action to Congress.

What is wrong with that? Why should not the Congress be a partner, and be called upon to pass upon these awesome questions of war and peace? The Congress has a concurrent responsibility in this field. Much too frequently in the past the Congress has deferred in its judgment to that of the executive branch. Unfortunately, the President has come to believe that the Congress has no powers in the field of foreign policy. Look what happened—how many of those who voted for the Gulf of Tonkin resolution would like to have their votes back? Almost all of them.

Under this provision the President would not even be required to come to the Congress for a resolution like the Gulf of Tonkin resolution. He could just act arbitrarily. He could just act unreasonably. He could do this without any power in the Congress to check him, except perhaps, by legislation that was initiated by one of the legislative committees of the House.

The purpose of my amendment is to bring the Congress into the picture before we are so overcommitted by the President that it is impossible to extricate ourselves. In this day and age when wars can break out anywhere on the face of the globe, in this day and age when the Armed Forces of the United States may be sent to any part of the globe because the President decides that this should be done in the exercise of our foreign policy, I say that Congress should be given a part in that decision, and at the end of 60 days the President should come in here and ask for the approval of Congress for that kind of action.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I want to associate myself with the gentleman's amendment and state my approval of what the gentleman has said in support of it. I do not think we in the Congress can defer our responsibilities, and I do not think we should even if we could. If the President deems it necessary to increase the levels of our manpower beyond those fixed by law, for any reason whatsoever, I think he has that responsibility and he must exercise it as he sees fit. But I think we have the responsibility, and we should exercise it, not to simply defer to the President without our having passed our judgment on such a decision.

So I associate myself with the remarks of the gentleman and I hope the Committee will adopt this very reasonable amendment.

Mr. YATES. I thank the gentleman for his remarks.

As Senator Vandenberg said, "It is fine that Congress was in at the launching of an initiative instead of the crash landing."

There will be an amendment offered later today in an effort to change the course of this Nation's action in Vietnam. My amendment proposes to see that Congress is in at the beginning. Let Congress be consulted at the beginning. I urge approval of my amendment.

Mr. GUBSER. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I rise in support of the amendment and commend the gentleman from Illinois for offering it. I do not profess to be a parliamentarian, but it strikes me that the entire section (c) is legislation on an appropriation bill and is subject to a point of order. I presume that the gentleman from Illinois did not make the point of order because he wanted to make it possible for the President to augment forces and to have those forces paid for for a period of 60 days so that Congress, which has the responsibility of setting the force level, could reconvene, if we were out of session, and act in the national interest.

This appropriation bill has a line item limitation of expenditures for payments to military personnel. But section (c) makes what should be a limitation an open ended appropriation. This negates the function of an appropriation bill.

If the President calls Reserves and in order to pay them he must exceed the spending limitations contained in the bill, then Congress should change the limitation by positive action through a supplemental or deficiency appropriations bill.

The gentleman has wisely put in a 60-day provision here to provide for a national emergency. We will probably be here anyway, and if we are not, it is certainly feasible that within 60 days Congress can be called back into session.

I voted for the Gulf of Tonkin resolution, and if I had the benefit of 20–20 hindsight and were asked again to vote on the Gulf of Tonkin resolution which conveyed authority to the executive branch that I did not contemplate, I would not vote for it today. I think it is about time that we took a good look at the powers which we transfer down to 1600 Pennsylvania Avenue—and I do not care whether it is Richard Nixon or a Democratic President.

Mr. Chairman, I ask for an aye vote for the gentleman's amendment.

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

Mr. Chairman, I have discussed this amendment at some length with the distinguished gentleman from Illinois, because of my interest in our troop ceilings as a member of the Committee on Armed Services. The basic question that I think was in the gentleman's mind was whether this section (c) on page 34 confers any new authority on the President to call up additional troops beyond the established ceilings in present law. Of course all that the section specifically says is that it authorizes the President to pay any additional troops that may be called up.

But in order to clarify my own mind, I went to the basic law, which is contained in title III on page 14 of the conference report on the draft. We voted that into law in September. It says in the basic law that it establishes the troop ceilings for the fiscal year beginning July 1, 1971, but, first of all, it makes it clear that these figures are "average" active duty straight personnel ceilings.

That means the Army can go above 974,309 men at one point during the fiscal year provided they bring the number down below that figure later on, so that it averages out at the specific ceiling figure. This is, of course, what we gave in the basic law to the President so that he would have some necessary flexibility. A sizable majority of the House voted for that measure.

Second, the basic law provides in addition to these established ceilings—which can be exceeded temporarily, and somebody is authorized to find money to pay the extra troops on those particular dates—the law specifically exempts from these specified ceilings "members of the Ready Reserve of any armed force ordered into active duty under provision of section 673, title 10, United States Code, members of the Army National Guard or Air National Guard called into active duty," and so on.

It also provides that the President shall, beginning with the second quarter of the fiscal year "immediately following the quarter in which the first units are ordered to active duty," the filing of reports to the Congress regarding the necessity for such unit or units being ordered into active duty.

So the only legal authority that exists is this authority which allows the services to go above the ceiling temporarily if they will also go below the ceiling later on, plus the flexibility we also gave the Commander in Chief in the authority to call up our Reserves.

Many Members have been faulting the Department of Defense for not having called up the Reserves. Well this is the only authority the President has to call up the Reserves, and he must report to the Congress in 60 days as to what units he has called up and where they are to be used.

But I do not think we ought to add any additional language here that would require that he has got to come back to Congress for a new resolution when only last September this Congress told the President he could call up the Reserves if he felt an emergency required it.

As I read the appropriation bill, it simply provides the money for paying these additional Reserves who might have been called up by the President in some emergency pursuant to the legislation we passed earlier this year in this Congress.

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

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman's argument totally ignores the language on page 34 to which my amendment was directed.

For the gentleman's information, I reviewed with the staff of the committee the language to determine its scope. We concluded this language permits the President to go above the limits that were established in the basic law to which the gentleman refers.

And the troop levels established for the Reserves are not the limitations under this amendment.

Mr. STRATTON. These staff experts could not repeal a law Congress enacted last September, and this legislation could hardly imply that the President had such authority.

Mr. YATES. Why not?

Mr. STRATTON. Because all that the legislation provides for, as the gentleman well knows, is a means of paying, when statutory levels are temporarily exceeded, for those who are called up pursuant to the authority contained in the language of the Draft Act of 1971, in excess of the statutory limits contained in that bill.

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

Mr. STRATTON. I yield to the gentleman from Arizona.

Mr. RHODES. Does not this point up the folly of trying to rewrite a provision of law which is so important and so vital to the welfare of the country and the conduct of foreign relations on the floor? If it is to be rewritten, it should be done after the committee on which the gentleman serves has had ample opportunity to study it.

Mr. STRATTON. I agree with the gentleman and believe it also shows that our committee has done a good job in setting current troop ceilings.

I thank the gentleman for his contribution.

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

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

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from New York indicated that this language does not change the basic law. If this section is enacted into law it will change the basic law which establishes mandatory troop ceilings.

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

Mr. OBEY. I should like to make my statement first, and then if I have time remaining I will be happy to yield.

Mr. STRATTON. The gentleman yielded his time to let the gentleman from Illinois reply to me.

Mr. OBEY. Mr. Chairman, I decline to yield at this time.

I believe this amendment is more important than the Boland amendment, which we will be voting on today. The Boland amendment attempts to correct a mistake after the fact. I am very grateful to the gentleman from Massachusetts for giving us that opportunity.

But this amendment before us now is to prevent future evasions of congressional policy and future erosions of congressional power. It says, really, that the President can do anything he wants relating to the number of men under arms so long as he comes back to the Congress within 60 days and gets approval for it.

This is an attempt to keep to ourselves the power which our forefathers gave to the Congress, which unfortunately we have seemed to be hellbent on throwing away over the past 5 years.

It also relates to something else which I believe anyone interested in a volunteer army ought to consider. I have heard a great many people on this floor talk about the necessity of establishing a volunteer army because of their belief that if we had a volunteer army it would be more difficult in the future to get this country involved in conflicts in which we have no business being involved.

I do not feel that will work at all unless it is tied to the idea suggested by the gentleman from Illinois in this amendment; namely, the idea of very strict congressional controls over military manpower. That is all the gentleman from Illinois is trying to do. That is the key, in my judgment, to the eventual success, at least in my mind, of the volunteer army concept.

Whether or not we will be able to maintain in congressional hands strict control over manpower levels is the key. If we do not do that we might as well give the President full authority to do anything he wants to do in international affairs.

The argument is going to be made, against this amendment I suppose that we are really putting ourselves in a very dangerous situation if an emergency comes up internationally. I believe everyone in this House knows full well that 90 times out of 100 the President is going to get exactly what he wants from the Congress. I do not believe there is an inclination in either the Senate or the House, despite all the noise being made right now about Vietnam, to deny the President what he wants in the area of foreign affairs.

But it will give us that one chance in 10, in that one case in 10 that requires it for Congress to stand on its own feet. It will give us that chance to exercise some degree of control over the use of our men internationally. We ought at least do that. We can by adopting this amendment.

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

Mr. OBEY. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding.

I do not mind arguing substantial issues here on the House floor. Some of us support the military and some of us do not. But this amendment presents a phantom issue. The Congress has already established clear-cut ceilings for the

armed services, just last September. The President is not allowed to go over those ceilings except under the conditions which the House itself spelled out clearly only 6 weeks ago.

That is the law. This wording in section C does not repeal that. I defy anybody to come in here with any kind of reliable legal opinion and say that the language beginning on line 12, page 34, of the bill repeals Public Law 92–129. It does not. Obviously it does not.

So to talk here today about how we have to have the Congress set ceilings and not allow the President to go over them is nonsense. We have already set those ceilings. We have told him under what conditions he may exceed them. Let us not do it twice.

Mr. OBEY. Let me respond to the gentleman. I do not agree with him that this has anything whatsoever to do with whether you support the military or not. I happen to represent the district formerly represented by the present Secretary of Defense. I think my people support the military. But I think they also want this amendment.

Mr. YATES. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. The gentleman from New York completely overlooks the language of this bill. Let me read it. This bill would be enacted subsequent to the act establishing the troop ceilings.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. YATES, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. YATES. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. Let me just read this section—I ask the House to note how blanket it is:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act.

Beyond the number for which funds are provided in this act—the Secretary of Defense, and so forth. This is blanket authority to the President to bring into the services on active duty any number that he wants. There is no restriction; there is no limitation. I do not know what could give him that authority if this language did not do that. I say it would change the law.

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

I yield to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I would just like to point out to the committee and also to the gentleman from Illinois that he has not read this language of the bill very carefully. It reads:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act.

So the funds in this act are being provided for the ceilings already established by law, the numerical ceilings established, as I have said, by the draft act passed in September. If the President were for a couple of months to go over these average ceilings, in July and August, let us say, then additional funds would be required. This language simply provides the manner for paying the additional people. And when the President then drops the troop totals down in October and November, below that ceiling, the DOD picks up some additional money.

Moreover, if the President decides in an emergency to call up the Reserves, which we gave him just last September, the explicit authority to do under the law and within the limitations of this law, then this language today provides the money to pay those extra Reserves. Do we want the reservists from our home districts, whom we made vulnerable to call in September, to serve without pay?

This section certainly does not repeal the draft act, and it is ridiculous to suggest that it does, it seems to me.

Mr. YATES. Will the gentleman yield to me?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. As the distinguished chairman of the Committee on Appropriations pointed out, it was under this section that the President went above the ceilings established by the Congress in 1961. According to the staff of the Committee on Appropriations this bill funds the armed services up to the levels that have been authorized under the military authorization bill that the gentleman from New York spoke about. If this section becomes operative at all, the number of troops will be above the levels established, and I refer to the average levels. Therefore, the President will be exceeding the levels that the gentleman speaks of.

Mr. STRATTON. If the gentleman from Florida will yield to me, the gentleman from Illinois still does not seem to understand that these are average figures.

Mr. YATES. I said average levels.

Mr. STRATTON. You can go above those averages temporarily. But how can the Committee on Appropriations determine today exactly how many men will be on active duty in May, June, and July? I know this is a distinguished and very capable committee, but they do not have a crystal ball. If they are going to pay 974,000 men in the Army, why, we may find ourselves over that figure for a few weeks, and that is all this section provides.

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

Mr. SIKES. I yield to the distinguished ranking minority member on the committee.

Mr. MINSHALL. Mr. Chairman, I should like to commend my friend, the gentleman from New York (Mr. STRATTON), for the comments which he has made.

My friend, the gentleman from Illinois (Mr. YATES), confuses what the basic law, Public Law 92–129, does and what the appropriation does under the basic law. This gives the President the authority to call up the troops.

Mr. YATES. That is right.

Mr. MINSHALL. All this does, at page 34 of the bill, is to give him authority to pay those troops.

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

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. I read the language of the bill, Mr. Chairman. The bill is subsequent to the act to which the gentleman from New York referred. It reads as follows:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an accepted expense in accordance with the provisions of Revised Statutes 372.

This can only refer to exceeding those troop levels under the military authorization bill and, under this language the President can go as high as he wants to go. The sky is the limit, and under the provisions of this bill the Congress would lose its constitutional authority to set the funds for the services.

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

Mr. Chairman, there seems to be considerable misunderstanding as to the amendment which is pending.

This provision on page 34 has been the law for 10 years or more. It enables the President to pay the people who are called into service as the result of an emergency. And, why should they not be paid. Why should they not be paid as long as they are serving?

We just provide here that they shall be paid. The language is easy to understand if you read it with care—

Upon determination by the President that it is necessary—

This does not say he has the authority. It just says:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel—

In other words, if the Congress has authorized the Department of Defense to have 2 million men in the service, and the President calls up some additional men, then they can be paid. That is what this provides for here.

We have talked about the Berlin crisis. The President did not have to have any authority with respect to calling up the number of men. The callup was not the problem. The men were called up under existing authority.

The language in the appropriation bill simply provided that the Secretary of Defense could pay those people even though the appropriation for that year was not sufficient to pay them.

The language of the bill makes it possible for him to do that today.

If the President calls men up, this language provides that they can be paid.

Mr. Chairman, I regret to see a basic change of our law made upon such short notice.

It has been said that if someone had known what the implications were on the

Tonkin Gulf resolution, he would not have voted for it, because it was not thoroughly explored and examined. This is exactly what is happening here now.

The amendment offered provides that if the President has the authority and does call up people, he can pay them, but he cannot pay them beyond 60 days.

Mr. Chairman, this is not the way to decide the great policy question as to the power of the President to use the Armed Forces of the United States. If we want to settle that issue, we ought to have extensive hearings. The Committee on Armed Services should bring forward legislation and let us debate it in detail, if we are going to try to restrict the President.

What this bill provides is that if men are called up—and they cannot be called up unless it is according to law—they can be paid.

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

Mr. MAHON. I will yield in a moment if I have the time.

So, Mr. Chairman, it seems to me that this is a condition that should be thoroughly explored by the legislative committee and then, if need be, legislation could be brought up.

If Congress wants to deny the President the authority to call up additional men in an emergency, let them do it in the proper way. That is not the issue here.

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

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

Mr. SIKES. Mr. Chairman, the portion of this amendment which particularly disturbs me is the 60-day limitation. It is only in rare instances that Congress works that fast. We might not even be in session. I think it would be difficult and it might be impossible to operate under a 60-day limitation during an emergency situation.

Mr. MAHON. If Congress were in session we still could not deny paying people who have been called into service. The Congress might deny the President certain emergency powers, but it certainly could not deny the pay for the people who have been called up. And that is what we are dealing with here. This is an appropriation bill.

Mr. Chairman, I ask that the amendment be voted down.

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

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES).

Mr. Chairman, there is nothing in the amendment offered by the gentleman from Illinois (Mr. YATES) that contradicts anything that has been said by the distinguished chairman of the Committee on Appropriations. The chairman says that the President ought to have a free hand to increase the authorized strength of our troops and if such increase is made, the bill provides funds to pay these extra troops. Of course the extra troops have to be paid and this amendment does not prohibit this. It merely provides that if the President decides to keep these extra troops on active duty for more than 60 days, he must seek approval from Congress.

The gentleman from New York would have you believe that the problems of extra troops is one of these little bookkeeping things that happens every now and then because you cannot precisely predict how many men you will have in the service at any given time, and when they go over the limitation those men ought to be paid. Nobody quarrels with that, nor does this amendment quarrel with that in any way.

What this amendment says is that if the President decides to keep these extra men more than 60 days he will have to come before the Congress and ask for that permission.

There is nothing in this amendment that in any way disturbs the President's constitutional rights as Commander in Chief. All it says, if you are going to keep these men in for a period beyond 60 days you have to come to the Congress to get the authority.

Too many people in this country have the idea that Congress is an adjunct of the executive branch of the Government. There is reason for that belief. We in Congress pass bills that are completely rewritten when the executive branch gets through with them with their guidelines and their interpretation. You are seeing this happen now in the price and rent freeze. If you look at the Price Stabilization Act, there is no authority for many of the things that are being ordered by this administration. The order of ignoring legislative intent has become a hallmark of the administration and that when I believe we must write limitations into this bill or suffer the prospect of more Vietnams.

I agree with the gentleman from Wisconsin that this is an extremely important amendment.

Mr. Chairman, I remember when our distinguished Speaker made his inaugural speech when he took office as the Speaker. He called upon Members to help him restore to the Congress its rightful role as a coequal branch of the Government; not a rubber stamp or an adjunct of the executive branch of the Government, but its constitutional role as a coequal branch of Government. I think that a vote for this amendment will give us an opportunity to reassert the coequal status of the Congress of the United States on these vital issues.

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

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I agree with the statement by the distinguished chairman of the Committee on Appropriations when he said the President does have the power to call up these troops, and all this section does is to provide them with payment. But that is the point; what the Committee on Appropriations is doing in this situation is waiving the congressional right of oversight on payment for these troops. That is the constitutional role of Congress and ought not be surrendered.

According to the argument made by the gentleman from Texas, if the President calls up the troops under this section, he would be authorized to call them for this fiscal year, without having to come to Congress on payment for them.

My amendment says if the President does it that the troops are going to be paid for 60 days. If the President wants the troops to be paid beyond that time, he must come to Congress and tell the Congress why he thinks the troops should be kept on beyond that date, let the Congress decide whether or not they ought to be paid beyond that point.

Mr. PUCINSKI. May I remind the House that the last strength we have as a coequal branch of Government is the power of pursestrings. Do not deal that power away. I believe the amendment the gentleman offered here in no way disturbs the executive branch's power.

Mr. Chairman, I would make the same argument if there were a Democrat in the White House. This has nothing to do with partisan politics. What this does is to try to establish in the Congress its coequal reponsibility on these very vital and important issues.

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

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Illinois.

If you go back to the origin of modern parliamentary institutions in the 17th century, the power of parliament was established because of its power over the purse. I think the gentleman from Illinois has put his finger on the key to this whole problem of stopping the erosion of congressional power toward the executive.

If we do not preserve the power of Congress to control the executive in the expenditure of money, we have given up the substance of our power.

I have listened to distinguished lawyers, the gentleman from Texas and the gentleman from New York, make some very persuasive arguments that all this does is to give money in case the President decides to go above the limits set by law on the size of the armed forces. But that is the very point, gentleman—every time we give up any of Congress power to control the expenditure of money, we give up some more of the basic power of Congress.

I did not come to this House to abandon more of Congress power to the executive, but to try to help bring back power to this institution. I think the people of this country want us to do that. We have an obligation to do so if we are going to discharge our responsibility under the Constitution. I am happy to associate myself with what I consider to be one of the most important amendments that has been offered since I have been a Member of this House.

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

Mr. Chairman, I will not take the 5 minutes, but I want to make one point and will try to make it as clearly as I possibly can.

First. This provision of the law refers only to the calling up of Reserves and payment of the Reserves who are called up.

Second. When you look at the record—no war, no police action ever started with the calling up of Reserves. There has not

been any such occurrence in the history of the United States. If the gentleman from Illinois is looking for a panacea to stop wars, and I wish him luck, he has zeroed in on the wrong target.

Third. The President of the United States, whoever he may be, should have the authority to call the Reserves in the event war threatens. Sometimes just having this authority allows a President to deter war.

I take you back to the days of 1961 when President Kennedy had the authority and did call up the Reserves in the Berlin situation. I do not have much doubt in my mind that the ability of the President at that time to do what he did had more to do with stopping the possibility of war in Germany than anything else.

Mr. Chairman, this is not the time to tamper with legislation that has had as important a history as has this proviso, which has been in the law for 10 years. The time to change this legislation, if it is to be changed, is when the Committee on Armed Services of the House which has the legislative authority has had a chance to have hearings and then to act intelligently in this matter.

I certainly hope we will not play games with the defense of our country by voting for this kind of amendment. I ask that the amendment be voted down.

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

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, as the gentleman from Arizona said, I have taken a great deal of time on this amendment, rightly so, I believe because I am convinced of its importance.

The gentleman is entirely wrong when he says that this amendment applies only to the Reserves. The gentleman has obviously failed to look at the language of this section. It could not be more clear.

Section (c) states:

> Upon determination by the President that it is necessary to increase the number of military personnel on active duty . . .

The President could take them from the Reserves, yes, but he also can take them from the drafted men just as well. He can increase the size of the draft and take draftees. He does not have to go to the Reserves in this kind of situation any more than the President did when he went into Vietnam. At that time he did not call the Reserves.

If there is a trouble spot somewhere in the world to which the President thinks the Armed Forces should be sent in an emergency situation, he can increase the number of draftees or call up the Reserves or do both. Under this section the power of Congress to supervise the number of military personnel would be waived indefinitely.

My amendment says, Mr. Chairman, "Mr. President, you can do it for 60 days, but beyond that you have got to come to Congress and have your action reviewed if you want your funds."

Mr. HATHAWAY. Mr. Chairman, does the gentleman from Texas wish me to yield?

Mr. MAHON. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request?

Mr. HATHAWAY. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at the conclusion of the address of the gentleman who is now addressing the House.

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

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. HATHAWAY. I yield to the gentleman from Arizona.

Mr. RHODES. The words "active duty" on line 14 of page 34 are controlling. You do not recall draftees to active duty. They are either on active duty or they are out of the service. Obviously this provision does not refer to draftees. It refers only to members of the armed services, either in the Reserves or the Regular Forces.

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

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. YATES. I have the impression that there are many draftees who are on active duty, having been drafted into the Army of the United States. They are on active duty and they can be used.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I rise in support of the amendment and would like to make the point that if there is a really important emergency, there is no reason the Congress cannot act to appropriate the necessary money within 60 days.

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

Mr. HATHAWAY. I yield to the chairman of the committee.

Mr. MAHON. Mr. Chairman, I propose to offer a motion that all debate close, but I do not want to take the gentleman off his feet. When he has concluded, I shall address the Chair.

Mr. HATHAWAY. Mr. Chairman, I rise in support of the amendment and endorse the many cogent arguments that have been made in support of it. I do not think we are fulfilling our constitutional responsibility unless we do follow the gentleman from Illinois, and I urge the committee to support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Messrs. YATES, MINSHALL, MAHON, and GUBSER.

The Committee divided, and the tellers reported that there were—ayes 183, noes 210, not voting 38, as follows:

[Roll No. 398]

[Recorded Teller Vote]

AYES—183

Abourezk	Gaydos	O'Konski
Abzug	Gibbons	O'Neill
Adams	Gonzalez	Patten
Addabbo	Grasso	Pepper
Anderson, Calif.	Gray	Pike
	Green, Oreg.	Podell
Anderson, Tenn.	Green, Pa.	Preyer, N.C.
	Gross	Pryor, Ark.
Aspin	Gubser	Pucinski
Badillo	Gude	Quie
Baring	Haley	Randall
Barrett	Hall	Rangel
Begich	Hamilton	Rees
Bennett	Hammer-schmidt	Reid, N.Y.
Bergland		Reuss
Biaggi	Hanna	Riegle
Biester	Harrington	Robison, N.Y.
Bingham	Hathaway	Rodino
Blanton	Hawkins	Roe
Boland	Hechler, W. Va.	Roncalio
Brademas	Heckler, Mass.	Rooney, Pa.
Brasco	Helstoski	Rosenthal
Broomfield	Hicks, Mass.	Rostenkowski
Brown, Mich.	Hicks, Wash.	Roush
Brown, Ohio	Horton	Rousselot
Broyhill, N.C.	Howard	Roy
Burke, Mass.	Hungate	Roybal
Burton	Hutchinson	Ruppe
Carey, N.Y.	Ichord	Ryan
Carney	Jacobs	St Germain
Chisholm	Jones, N.C.	Sarbanes
Clay	Karth	Scheuer
Collier	Kastenmeier	Schmitz
Collins, Ill.	Kazen	Schwengel
Conte	Keith	Scott
Corman	Kemp	Seiberling
Crane	Kluczynski	Shipley
Culver	Koch	Smith, N.Y.
Daniels, N.J.	Kyl	Snyder
Danielson	Kyros	Stanton, J. William
Davis, S.C.	Leggett	
de la Garza	Long, Md.	Stanton, James V.
Dellums	McCloskey	
Denholm	McCormack	Steele
Dennis	McDonald, Mich.	Steiger, Wis.
Dingell		Stokes
Donohue	McKay	Symington
Dow	McKinney	Thompson, N.J.
Drinan	Macdonald, Mass.	Tiernan
du Pont		Udall
Dwyer	Matsunaga	Ullman
Eckhardt	Mazzoli	Van Deerlin
Edwards, Calif.	Melcher	Vander Jagt
Eilberg	Metcalfe	Vanik
Esch	Miller, Ohio	Waldie
Evans, Colo.	Minish	Whalen
Foley	Mink	Wilson, Charles H.
Ford, William D.	Mitchell	
	Moorhead	Wolff
Forsythe	Moss	Wydler
Fraser	Murphy, Ill.	Wyman
Fulton, Tenn.	Nedzi	Yates
Fuqua	Obey	Yatron
Galifianakis	O'Hara	Zwach

NOES—210

Abernethy	Caffery	Findley
Albert	Camp	Fisher
Anderson, Ill.	Carter	Flood
Andrews, Ala.	Casey, Tex.	Flowers
Andrews, N. Dak.	Cederberg	Flynt
	Chamberlain	Ford, Gerald R.
Annunzio	Clancy	Fountain
Archer	Clark	Frelinghuysen
Arends	Clawson, Del	Frenzel
Ashbrook	Cleveland	Frey
Aspinall	Collins, Tex.	Gallagher
Baker	Colmer	Garmatz
Bell	Conable	Gettys
Bevill	Coughlin	Giaimo
Bolling	Daniel, Va.	Goldwater
Bow	Davis, Ga.	Griffin
Bray	Davis, Wis.	Griffiths
Brinkley	Delaney	Grover
Brooks	Dellenback	Hagan
Brotzman	Dent	Hanley
Broyhill, Va.	Devine	Hansen, Idaho
Buchanan	Dickinson	Hansen, Wash.
Burke, Fla.	Dorn	Harsha
Burleson, Tex.	Duncan	Harvey
Burlison, Mo.	Edwards, Ala.	Hastings
Byrne, Pa.	Erlenborn	Hays
Byrnes, Wis.	Eshleman	Heinz
Byron	Evins, Tenn.	Henderson
Cabell	Fascell	Hillis

Hogan	Morgan	Smith, Calif.
Holifield	Morse	Smith, Iowa
Hosmer	Murphy, N.Y.	Spence
Hull	Myers	Springer
Hunt	Natcher	Staggers
Jarman	Nelsen	Steiger, Ariz.
Johnson, Calif.	Nichols	Stephens
Johnson, Pa.	Nix	Stratton
Jonas	Passman	Stubblefield
Jones, Ala.	Patman	Stuckey
Jones, Tenn.	Pelly	Sullivan
Keating	Perkins	Talcott
King	Pettis	Taylor
Kuykendall	Peyser	Teague, Calif.
Landrum	Pickle	Teague, Tex.
Latta	Pirnie	Terry
Lennon	Poage	Thompson, Ga.
Lent	Poff	Thomson, Wis.
Lloyd	Powell	Thone
Long, La.	Price, Ill.	Veysey
Lujan	Price, Tex.	Vigorito
McClory	Purcell	Waggonner
McCollister	Quillen	Wampler
McCulloch	Railsback	Ware
McEwen	Rarick	Whalley
McFall	Rhodes	White
McMillan	Robinson, Va.	Whitehurst
Mahon	Rogers	Whitten
Mailliard	Rooney, N.Y.	Widnall
Mann	Ruth	Wiggins
Martin	Sandman	Williams
Mathis, Ga.	Satterfield	Wilson, Bob
Meeds	Saylor	Winn
Michel	Scherle	Wright
Miller, Calif.	Schneebeli	Wyatt
Mills, Ark.	Sebelius	Wylie
Mills, Md.	Shoup	Young, Fla.
Minshall	Shriver	Young, Tex.
Mizell	Sikes	Zablocki
Mollohan	Sisk	Zion
Monagan	Skubitz	
Montgomery	Slack	

NOT VOTING—38

Abbitt	Cotter	Landgrebe
Alexander	Derwinski	Link
Ashley	Diggs	McClure
Belcher	Dowdy	McDade
Betts	Downing	McKevitt
Blackburn	Dulski	Madden
Blatnik	Edmondson	Mathias, Calif.
Boggs	Edwards, La.	Mayne
Celler	Fish	Mikva
Chappell	Goodling	Mosher
Clausen, Don H.	Halpern	Roberts
	Hébert	Runnels
Conyers	Kee	Steed

Mr. BARING changed his vote from "no" to "aye".

So the amendment was rejected.

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

Mr. Chairman, I rise in support of this appropriation bill. The committee is to be congratulated for having brought to us a well-balanced program for the necessary level of national defense.

Particularly do I wish to congratulate the committee for having included sufficient funds for continued production of the F–111 fighter-bomber. The amounts included in the bill will permit the continued acquisition of this vitally important aircraft at the rate of 12 per year and keep the production line open.

Since certain comments were made on the floor yesterday which reflect an uninformed view of this extremely important program, I take this time primarily to set the record straight with respect to certain significant facts.

First, of course, is the question of the safety record of the F–111. Contrary to misconception shared by some of the press and incredibly, by even some few in this body, the F–111 is the safest military aircraft we have built in this country since the early 1950's.

Let me repeat that statement: The F–111 is not only one of the safest, but is the very safest military aircraft we have built in the past 20 years.

Let me give you this comparison on the number of major accidents suffered by each of the following aircraft at 125,000 hours of actual flight.

The F–100 had 108 major accidents.
The F–104 had 90 major accidents.
The F–4 had 60 major accidents.
The F–102 had 59 major accidents.
The F–101 had 59 major accidents.
The F–105 had 58 major accidents.
The A–7 had 42 major accidents.
The F–106 had 39 major accidents.
The F–111 had 22 major accidents at 125,000 hours of flight—the safest of all.

In the number of aircraft destroyed during the first 125,000 hours of actual flight, the story is very much the same.

There were 52 F–100's destroyed.
There were 62 F–104's destroyed.
There were 25 F–4's destroyed.
There were 28 F–102's destroyed.
There were 31 F–101's destroyed.
There were 40 F–105's destroyed.
There were 40 A–7's destroyed.
There were 18 F–106's destroyed.
There were 18 F–111's destroyed.

We are talking here of equal operations, noncombatant in character, and it can be seen clearly that the F–111 on balance is as safe or safer than any other military aircraft we have developed in the recent past.

Something was said yesterday—perhaps of a facetious intent—to the effect that these planes do not fly. The statement was made, though I cannot believe that it was seriously made, that most of them are grounded. This is absolutely untrue.

The Air Force has accepted 375 of these aircraft and of that number at least 350 are operational and in flight today. These include some in the 20th Tactical Fighter Wing at Upper Heyford, England.

The pilots and commanders of that wing are high in their praise of the performance of the F–111. There is certainly a continued requirement for this aircraft, since it is the only long-range, high-speed, penetrator in production in the free world.

The Soviets are increasingly improving their position vis-a-vis the United States in strike force capability.

Of course, we hope to have the B–1 in production and operational numbers perhaps by 1980. But what about the interim? The F–111 is the only hedge against technical, political, or cost problems that might cause an unforeseeable delay in getting the B–1 in operational numbers.

For all of these reasons, the committee is to be thoroughly congratulated for having demonstrated the vision to insist upon continued production of the F–111, and it is clear that the Congress supports this decision.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 744. None of the funds in this Act shall be available for the induction or enlistment of any individual into the military services under a mandatory quota based on mental categories.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 48, immediately following line 7, add the following new section under title VII:

SEC. 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. HALL. Mr. Chairman, reserving the right to object, I suggest that the gentleman make that request at the end of his first 5 minutes.

Mr. BOLAND. Mr. Chairman, I withdraw the unanimous-consent request.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes in support of his amendment.

Mr. BOLAND. Mr. Chairman, there are many in the Chamber who will say that "We have been here before." Not quite. This is a totally different amendment than has been offered to any bill in the years that I have been here since we have been engaged in Vietnam. It is the toughest and the hardest amendment and probably one of the most difficult ones to vote for on the part of all Members in this body. But, this is a hard and a tough war and it requires some hard and some tough answers and some hard and some tough action.

Mr. Chairman, in opening the debate on this bill yesterday, the distinguished gentleman from Texas, my beloved chairman of the full Committee on Appropriations, stated:

It seems that we are in somewhat of a frenzy to withdraw.

The simple fact, Mr. Chairman, is that the majority of the American people want us to withdraw and want a terminal date. There is nothing frenetic about their desires.

Mr. Chairman, for most of the past decade they have believed our leaders to the effect that the end was in sight; that just a little bit more pressure and a lot more bombing would bring about an end to this tragic war. It has not happened and the support and the patience of the American people continues to erode until now today 75 percent of the American people are opposed to the war in Vietnam and want a termination date.

The chairman yesterday compared the war in Vietnam to World War I, World War II, and the Korean war.

He said that we did not withdraw in these wars, and he contended that a precipitous withdrawal from Vietnam could create a vacuum.

I simply respond, Mr. Chairman, by paraphrasing a favorite line of our beloved colleague, the gentleman from New York (Mr. CELLER) that World War I, World War II, and even the Korean war,

are as different from the Vietnam war as a horse chestnut is from a chestnut horse, and as night is from day, and as water is from fire.

With regard to Korea, he said, "We kept our fighting forces at their posts so that we would not lose the fruits of victory."

That is what he said. Well, if he really believes that there are or will be any fruits of victory in Vietnam he surely must stand almost alone in this opinion.

Mr. Chairman, the amendment I have introduced provides that funds shall not be used to finance any military or support operations by U.S. forces in or over Indochina after June 1 of 1972. Its purpose is twofold. First, it offers a real chance, the first real chance, to bring this conflict to a close after almost a decade, after almost 10 years of U.S. involvement in Southeast Asia.

Second, it seeks to obtain within the next 6 months the release of all American prisoners, and an accounting for those men missing in action.

My amendment is designed to implement and to carry forward the provisions of the compromise Mansfield amendment now found in title VI of the Military Procurement Act, which was passed just a short while ago. That amendment sets forth as national policy—and let me emphasize, that amendment, the Mansfield amendment to the Military Procurement Act, which was passed, and I think signed by the President just a couple of hours ago, establishes as national policy the termination of all U.S. military operations in Indochina at the earliest practical date, and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject—subject—to the release of all American prisoners and an accounting for the Americans missing in action.

As we all know, the most critical aspect of the Mansfield amendment, the 6 months withdrawal deadline, was dropped in conference. My amendment serves to restore this vital termination date to provide the basic means for implementing that provision.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. I thank my friend from Illinois. Mr. Chairman, the amendment is subject to the legislative limitations set forth in title VI of the Military Procurement Act which conditions our total military withdrawal on the result of the prisoners and the missing in action issues.

Some people will argue that Congress has no business legislating a mandate to terminate our military role in the Indochina war. I cannot agree. Throughout the history of this conflict, Congress has fully shared with the President the responsibility for the U.S. conduct in Indochina. This fact is made all the more clear by the recent court rulings such as the Federal Circuit Court for the District of Massachusetts in the case of Laird against Massachusetts, U.S. Court of Appeals for the First Circuit, in which it found that Congress in annually appropriating funds to carry out the war has repeatedly provided the war with legislative sanction. We have clearly shared the responsibility for the existence of this war, this body has, this Congress has. And as elected Representatives of a Nation that today overwhelmingly supports an end to our military participation in Indochina, we have the duty and the obligation to share the responsibility for bringing this war to a close.

Last week President Nixon announced the projected troop withdrawals totaling 45,000 men for the next 2 months.

With these reductions, the President will have brought the number of U.S. ground troops in Indochina from 540,000 men down to 139,000 during his term of office. No one—no one can deny that President Nixon has significantly altered our posture in Indochina. He deserves great credit from all of the American people and from those who are in this House for that substantial reduction of troops and the corresponding substantial reduction in U.S. casualties.

Nevertheless, certain hard facts still face us. Our military involvement in Indochina remains open ended with no foreseeable termination date in sight.

Our prisoners continue to remain in the hands of North Vietnam and its allies and our citizens, reduced as the casualties may be, are still dying in the war every week.

Our air missions constituting the greatest bombing effort in the history of warfare continue at extremely high levels.

The President last week offered no encouragement on the prisoner-of-war issue.

The President offered no encouragement about ending U.S. troop involvement in Indochina and offered no encouragement about ending our bombing role. Our military role in Indochina must be brought to a close and our prisoners' release must be obtained.

The way to accomplish all of these roles, I submit, is to set a deadline for U.S. military involvement in this war.

I would like to quote from a part of a letter I received from the Prisoners of War and Missing in Action Families for immediate release. This is an organization of prisoners of war and missing in action families who believe that positive steps must be taken to resolve these issues.

I quote:

We want our sons and our husbands and our fathers and our brothers returned now. We want our missing in action accounted for now. We are not prepared to see them play second fiddle one day longer to an undemocratic Saigon regime.

Many talk about the great sacrifices that our men have made. We have lived those sacrifices. We fully recognize that prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina.

We therefore would like to offer our support for your efforts which we believe will carry out this goal.

Failure to commit ourselves, Mr. Chairman, to a dateline for total withdrawal and to talk instead of residual forces not only prolongs our role in a war that we should conclude but also endangers the troops remaining in Indochina and, moreover, endangers the prospects of obtaining the release of prisoners.

We have sacrificed 55,000 American lives and $150 billion of American resources in this war.

We have endowed the South Vietnamese with one of the largest and best equipped armed forces in the world. We have done enough. We have gone too far. The time has come to get out and this amendment takes us out.

Mr. Chairman, I include with my remarks title VI—Termination of Hostilities in Indochina—of the Military Procurement Act and a letter from prisoners of war and missing in action families for immediate release.

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

POW/MIA FAMILIES FOR
IMMEDIATE RELEASE,
November 14, 1971.

DEAR REPRESENTATIVE BOLAND: It is our understanding you will offer an amendment to the Defense Appropriations Bill to establish June 1, 1972 as a termination date for all U.S. military operations in Indochina. It is also our understanding that the June 1, 1972 deadline is subject to the provision of the Mansfield Amendment to the Military Procurement Act which conditions our withdrawal of forces from Indochina on the return of all American prisoners and an accounting of missing in action.

In our Statement of Purpose established in July, 1971, we state the following: We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam. We shall work, therefore,

toward the formulation and implementation of policy which will bring about the most rapid release and repatriation of our prisoners of war and for the return of our armed forces currently serving in Southeast Asia.

In accordance with this, we have been working for the establishment of a termination date for U.S. military operations in Indochina in conjunction with the return of all prisoners and an accounting of the missing in action by that date. We believe that it is only in this manner that the POW/MIA issue can be satisfactorily resolved. We want our sons and our husbands and our fathers and our brothers returned, *now*. We want our missing in action accounted for, *now*. We are not prepared to see them play second choice one day longer to an undemocratic, corrupt Saigon regime.

Many have talked about the great sacrifices our men have made. We have lived those sacrifices.

We fully recognize that the prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina. We therefore would like to offer our support to your efforts which we believe will carry out this goal.

POW/MIA FAMILIES FOR IMMEDIATE RELEASE,
SHIRLEY CULBERTSON,
JANE DUDLEY,
Washington Coordinators.

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

Mr. Chairman, I would like to ask the gentleman from Massachusetts a couple of questions about the gentleman's amendment.

I ask the gentleman from Massachusetts: Does your amendment require prior release of all of our prisoners?

Mr. BOLAND. In my judgment, it does indeed. If the prisoners of war are not released and if the missing in action are not accounted for, then the effect of this amendment is null and void.

Mr. WYMAN. I would respectfully differ with the gentleman as to the wording of the amendment because as I look at his amendment I find these words: "subject to the release of all American prisoners and an accounting for all Americans missing in action." But the phrase "subject to the release of all American prisoners" in the gentleman's amendment are not a condition precedent, they are merely connected with the declaration of the U.S. policy set forth in title VI of the 1971 military procurement act. And I read further:

That notwithstanding any other provision of this Act—

This is from the gentleman's amendment—

none of the funds appropriated by this Act shall be used—

And so forth—

to finance any of these operations after June 1, 1972.

I would ask the gentleman from Massachusetts, how can the adoption of an amendment such as this by the Congress and the enactment of it into law get our prisoners back?

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

Mr. WYMAN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. That part of the amendment that states "no funds appropriated" and cuts off the appropriation as of June 1, 1972, is tied directly into the Military Procurement Act, specifically title VI, which is the watered-down Mansfield amendment. Specifically, it calls for the release of the American prisoners of war and for an accounting of those missing in action. My amendment is tied directly to that and, so far as I am concerned—and you may differ with it—but so far as I am concerned, if there has not been any resolution of the matter of the release of the prisoners of war and an accounting of those missing in action, then the cutoff would not occur.

Mr. WYMAN. I simply observe to the gentleman, and the gentleman will acknowledge, that his amendment does not say "subject to the prior release of American prisoners" as a condition to the taking effect of the cutoff date of June 1, 1972. Does the gentleman contend that a contemporaneous or prior release of American prisoners is required?

Then we are going to stop all our support, we are going to stop all pay for our men, for their supplies, their arms, all our money, all our air cover—we are going to stop fighting over there on June 1, 1972, whether or not we have the prisoners back?

Mr. BOLAND. That is not so at all.

Mr. WYMAN. Your amendment does not provide otherwise.

Mr. BOLAND. It is not the intent of the amendment at all. In my judgment, the amendment provides for a move on the part of the North Vietnamese, to release the prisoners of war and to account for those missing in action. I have said that a dozen times. That is my contention. The gentleman from New Hampshire apparently does not agree with that, but that is my intention and that is my interpretation of the language of the amendment.

Mr. WYMAN. I submit, despite the gentleman's protestations as to what the amendment means, it does not call for what he claims it calls for, and I think it should be debated and considered in the light of what it actually provides. I submit that the amendment does not require the prior release of American prisoners. This amendment, if adopted, would be dangerous to the lives of the American troops remaining in Vietnam for it prohibits not only their arms and ammunition but it cuts off provision for arms for the South Vietnamese to cover them in withdrawal.

It is absolutely ridiculous for Congress to call off all support for Americans over there when the President of the United States is disengaging our troops just as fast as the protective defense forces can be trained in Vietnam to take over their own defense. The pending amendment would even stop the training of the South Vietnamese to use the equipment we have provided them for their own defense. The amendment would deny all support—arms, food, and air cover—to support our troops and those of our allies in Vietnam, even as they defend themselves in withdrawal.

The pending amendment would imperil the lives of Americans in Vietnam, be they advisers, troops or otherwise. By its author's own admission it would mean that we would cut off everything even if the enemy should continue to attack and kill Americans.

I want no part of such a proposal.

I am confident a majority of this House will not vote to endanger our troops and deny our President the leverage to continue to negotiate for the release of our prisoners.

Mr. Chairman, this amendment should be rejected out of hand.

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

Mr. WYMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. I think the gentleman from New Hampshire has raised an important point. Unfortunately, I do not believe that the gentleman from Massachusetts was responsive to his question. The whole issue of the American prisoners of war and the point the gentleman has made about clear priority of action must be debated on this floor. I think it would be tremendously damaging to our American prisoners now held by the enemy if we should adopt this improperly drawn amendment.

Mr. WYMAN. I would say in response to the gentleman that whatever the gentleman from Massachusetts claims to be the intent of his amendment, of course, is interesting in the sense of what he intends. But it does not control the plain language of the amendment. The amendment speaks for itself. An examination of the amendment by Members of the House, particularly its attorneys—and there are many distinguished attorneys in the House—will show that there is no condition precedent in the amendment before us requiring either the prior release of our prisoners or even their contemporaneous release. Had the gentleman from Massachusetts wished to specifically establish the requirement of prior release his amendment could easily have been so worded. He has neither done this nor does he offer a perfecting amendment to do this at this time. Instead he allows his reference to prisoners to remain in a general introductory clause referring to title VI of the Military Procurement Act of 1971 that itself contains no cutoff date nor any date whatever.

The pending amendment is fatally defective as to prisoner release and this should be understood by all Members before they vote.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment, and move to strike the requisite number of words.

Mr. Chairman, the President has today signed H.R. 8687, the Military Procurement Authorization Act, into law, notwithstanding the Mansfield amendment. But here is what he said in the conclusion of his statement about that action:

I would add regretfully that legislative actions such as this hinder rather than assist in the search for a negotiated settlement.

That was in reference to the Mansfield amendment, a much milder version than the Boland amendment now before us.

Aside from the President's comment, there is not the slightest reason to believe that the act of specifying a date for U.S.

withdrawal would influence North Vietnamese policies toward the prisoners of war or toward the conduct of the war itself. The chances are that having gained a date for the end of U.S. participation, they would simply demand further concessions—like handing over the Saigon government to the Communists. There is not a scintilla of evidence from any reliable source to show any positive commitment by any North Vietnamese official that we can rely upon.

No, Mr. Chairman, this amendment can serve no usful purpose for the United States or the prisoners of war. It can only tie the hands of a President who has done a remarkably good job in extricating U.S. Forces from the difficult and complicated controversy in Southeast Asia. The American military has all but ceased ground combat, but we cannot instantaneously write off Vietnam and Southeast Asia and forget them. It is still a very important part of the world to the United States and to the free world.

Of course, America wants the war ended, but we cannot stop a war on a fixed date by congressional resolution. If we adopt the amendment that is proposed, we tie the President's hands, we free the Communists to take advantage of many alternatives which are now closed to them. The President must have flexibility to carry on to a successful and a responsible conclusion our objectives in Vietnam.

Remember—remember this—the North Vietnamese negotiators in Paris can end all of the uncertainty, they can bring about assurance of peace and the return of the prisoners of war on any day they wish by a simple statement of intent. And yet, in all the years of wasted effort by our negotiators in Paris, the North Vietnamese have not in a single instance showed good faith or good intentions. Everything has been unilateral on our part, and this action, now exemplified by the amendment before us, can produce no certainty, can offer no hope of any positive result.

Let us not play the game of the North Vietnamese here today in the U.S. House of Representatives.

Mr. ADDABBO. Mr. Chairman, I rise in support of the Boland amendment. It is important to note that this amendment is consistent with previous legislation adopted by the House of Representatives. Title VI of the Military Procurement Act passed by this body and which I supported calls for withdrawal conditioned upon the release of U.S. prisoners of war. The amendment now before the House also ties the termination of U.S. military activities in Indochina to the release of prisoners by North Vietnam.

This very point was recently recognized by the POW/MIA Families for Immediate Release. In a letter addressed to our colleague from Massachusetts, Mr. BOLAND, that organization said:

> We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam.

That committee also emphasized the realities of the situation by stating that:

> We fully recognize that the prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina.

As I stated in this Chamber a few weeks ago, and during general debate on this bill, I believe the time has finally come when all the frustrations and all the rhetoric about the pursuit of peace must end. By the House approval of this amendment we must stand up and say once and for all "end the war."

Mr. Chairman, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriation Committee, I have voiced concern over the expansion of the war, and the extent of our role in Southeast Asia.

It has been said that to set a specific date to end all operations in that area gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of further pullouts. After 10 years, after all our dead and wounded, after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea, after 40 percent of our troops starting to use drugs, it is time to put a stop to this carnage and let the South Vietnamese know that they must take over the responsibilities in the field. I believe we must give them an ultimatum, a definite date beyond which the United States will not continue to provide further military assistance.

The President has pledged to end the war. Let us lend our support to his committee by passage of this amendment.

Mr. Chairman, for purposes of clarification, I wish to read again the amendment which was offered by the gentleman from Massachusetts:

> On page 48, immediately following line 7, add the following new Section under Title VII: SEC 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972.

Mr. Chairman, this is in accordance with the bill passed by the House almost unanimously and signed by the President.

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

Mr. ADDABBO. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, as the gentleman from New York has indicated, and as the amendment clearly indicates, this is tied in with the national policy as delineated in title VI of the 1971 Military Procurement Act. Let me read the pertinent paragraph in that title.

> Establish a final date for withdrawal from Indochina of all military forces of the United States contingent upon release of all American prisoners of war held by the Government of North Vietnam and forces under such control and accounting for all Americans missing in action who have been held by or known to such government or such forces . . .

Now, the national policy as established under the Military Procurement Act is this described policy. I am disturbed that upon the signing of the Military Procurement Act today by the President, sometime around noon, that he did say that he would ignore one of the provisions of that act.

He would ignore the Mansfield amendment. I believe it is indefensible for the President of the United States to ignore the national policy that has been passed upon by the Members of this body, by the Members of the other body, and signed by himself.

That is one of the reasons why we have this amendment. I believe it is high time we do establish policy in this body. We have been traveling along too easily, too much, too often.

I have been here now for a few years, and I have heard constantly and consistently the argument that we should not tie the hands of the Executive, whether it be President Nixon, President Johnson, or President Kennedy. I have heard it now over the past three administrations. And I have seldom, if ever, done it. But it appears to me we have to do it now. This is the only way we are going to stop this war.

Say what you want, the President's press conference last week clearly indicated we are going to have a residual force there of 30,000 to 55,000 men. I do not know how we are going to protect a residual force without some sort of military establishment to back it up.

That is my concern. I am sure it is the concern of all Members here, as it is the concern of the vast majority of the American people.

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

Mr. Chairman, I rise in support of the amendment. For months I have heard many persuasive men argue against this amendment, but I have heard very few well reasoned persuasive arguments against it.

I become impatient with headlines such as we saw in this morning's Post, "Beat Amendment Selling Viet Pullout, Nixon Urges Congress." I grow weary of the argument that we must continue this war because the President needs a free hand in the conduct of our foreign affairs.

For almost a decade we have given our Presidents a free hand and for almost a decade we have seen the war continue.

It is a national tragedy to know that the leadership of this great deliberating body is willing to abdicate its power and authority to the executive branch. They are asking this Congress to be the President's puppet, jumping when he says jump, to tuck ourselves away in the closet when he says he does not want to hear from us. I suggest that on this great issue that we speak out, that we correct the course the Nation is taking and in so doing reestablish the Congress as an equal branch of this Government.

I cannot believe it is enough to say that we are withdrawing 45,000 troops by the end of November or that we have reduced

troop strength in Vietnam to less than 200,000 men when, in fact, it is our intention to keep a residual force of perhaps 50,000 men there. Nor can we believe the statement that the American combat role is over when we continue to drop thousands of tons of bombs each week in Vietnam. How can the nations of the world or how can the citizens of this country believe our combat role is over when this is happening?

There are compelling reasons why this amendment should be adopted. Let us remind ourselves of the economic havoc it has brought. Over a hundred billion dollars have been wasted. One of our most grievous economic problems—and I refer to inflation—has been nurtured and fed by the expenditure of funds to carry on the war in Vietnam. Each time I have heard the President speak of inflation he stresses the cutting of Government expenditures as part of the solution and yet he refused to call an end to our activities in that far place.

Then there is another consideration of which we do not often speak but which is very real. Each day this involvement continues we contribute to the weakening of our general defenses. By pouring our military strength into Vietnam we weaken our overall military strength. We neglect our research and development, the building of our fleet, the modernization of our Air Force, and the defenses here in this country. We deprive military men of decent housing and necessary equipment. And can anyone deny that we are slowly permitting the deterioration of that most important ingredient of all to a strong military force, the morale of our men in uniform.

The political problems which this war has created are horrendous. We have lost friends throughout the world. Our credibility as a peace-loving nation is doubted. Our motives have been suspect. Our actions and interference condemned. And the result? At a critical time in the history of the United Nations we could not even muster a simple majority to keep Taiwan in the United Nations.

And then there are the humane and human reasons for us to stop this war and to get out of Vietnam. Killing, maiming, and destroying at that place can no longer withstand the forces of reason which say that they must stop. Are we not mindful of the millions of lives which have been affected by the misery and tragedy of that war? When I consider my own experience as the father of a son who fought in Vietnam, I know that my fear, my apprehension, my sleepless nights could be no less than that of countless others, including the parents of sons who fought on both sides of this conflict. Have you ever put your arms around a son—who is suddenly a man—said goodbye and then watch him get onto a plane knowing that in a short span of time he will be in the jungles fighting a war which none of us understand? Each day for that year you pray for his safety, dreading every telegram you receive and watch for his letters. And in these letters read his inquiries as to why we are fighting there. You cannot answer those inquiries. You cannot answer the question "Why?"

My infantry sergeant son came home. He had done his bit and how proud I am of him. He earned the hard way as only an infantry man can understand, his decorations, citations, and commendations. But something was lacking that day when he stepped off that plane. No one, no one could explain why he had gone in the first place.

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

Mr. Chairman, I think the American people charge the Congress with its full share of responsibility for involving us in this war. They expect the Congress to exercise its full responsibility in at last extricating us from that war. The Boland amendment will do just that.

If for no other reason, I urge it be adopted.

Mr. ECKHARDT. Will the gentleman yield?

Mr. OBEY. I am glad to yield to the gentleman from Texas.

Mr. ECKHARDT. I would like to rise to point out why, as a legal proposition, the statement of the gentleman from New Hampshire (Mr. WYMAN) is not correct. That is, the amendment is in truth limited to the withdrawal of troops.

I think we need to establish a little legislative history on that point. As I understand it—and I would like to address this question, of course, through the Member who has the floor, to the author of the amendment—the amendment is a limitation on the appropriation bill which provides for a cutoff of funds at a specific time, but expressly states that such condition is itself conditioned on established policy contained in title VI of the 1971 Military Procurement Act. Is that correct?

Mr. BOLAND. The gentleman states it exactly as I intended it and exactly as it is.

Mr. ECKHARDT. Now, since this is a limitation on an appropriation bill, it may not itself establish general legislative policy and it does not purport to do so, but it may be limited to and be confined within policy established under existing law. That existing policy is contained under title VI of the 1971 Military Procurement Act, as I understand it.

Mr. BOLAND. The gentleman is correct.

Mr. ECKHARDT. And in that provision it is stated as clearly as language can be written that it is a policy of the United States to withdraw but only in the event that the prisoners are released and the other conditions provided in that act take place. Is that correct?

Mr. BOLAND. That is correct.

Mr. ECKHARDT. And is it not the purpose of the author in stating it is in line with title VI, to make it absolutely clear that this provision in no wise reduces that commitment as a prerequisite to withdrawal?

Mr. BOLAND. The gentleman is correct.

Mr. WYMAN. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. WYMAN. I would like to inquire of the gentleman in the well whether or not he maintains after that colloquy with the gentleman from Massachusetts that after June 1, 1972, the moneys will continue to be available for financing either combat or support operations if the prisoners are not returned?

Mr. ECKHARDT. The money would be available as I understand the provisions of the act.

Mr. WYMAN. Not the provisions of the act, if I may say, but the provisions of the Boland amendment.

Mr. ECKHARDT. I would say this, that the limitation itself contains a limitation. The limitation provides that no funds shall be expended, but that itself is conditioned upon the conditions of title VI going into effect. Therefore a limit on the expenditure of funds after that date is itself conditioned upon the release of the prisoners as contained in positive law passed by this Congress and signed a few hours ago by the President of the United States.

Mr. WYMAN. There is no date in title VI. Where is a date in title VI? Is there any June 1, 1972 in title VI?

Mr. ECKHARDT. I believe the gentleman from New Hampshire does not understand the point I am making here. Perhaps, I have not made it clear. The only thing that can be done in an appropriation bill is to limit the appropriation and that is done. The limitation in the appropriation bill may not establish other conditions, but it may be subject to other conditions of existing law. Further, the author of the amendment has pointed out that he intends not to affect positive policy provisions of title VI of the existing law, and it seems to me that this provision is clearly limited to those conditions set out in title VI of the Military Procurement Act and this takes no effect unless those conditions are put into effect.

Mr. WYMAN. If the gentleman will yield further for one further observation, the Boland amendment certainly has limited it. It has limited the Appropriations Committee when it states that none of the funds appropriated by this act shall be used to finance any military combat or military support operations by U.S. Forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972.

The words "subject to release of all American prisoners" are not a condition precedent in Mr. BOLAND's amendment as it is worded and the gentleman's remarks are entirely beside the point.

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

Mr. Chairman, I am sure that the House is tired of the lawyers arguing over this, but I think it is such an important point that we need to spell out exactly what is meant by the amendment which has been offered by the gentleman from Massachusetts.

As one lawyer, I will tell you how it looks to me.

The first proviso of section 745, as it is offered by the gentleman, is merely the explanation of the contents of the 1971 Military Procurement Act, title VI thereof. There is no language in the part which carries that explanation—as to any proviso which effects that which comes later. This explanation is not a condition precedent because there are no conditioning words or limiting words which definitely refer to the last clause. Neither

is there anything in the last clause which incorporates by reference any of the assertions made earlier.

Mr. Chairman, the fact remains that the limitation proposed by the gentleman from Massachusetts has only one effect, and that is to cut off all funds for Americans in Southeast Asia after June 1, 1972, unconditionally, without regard to whether or not the prisoners of war are released.

If the gentleman from Massachusetts—and he is a good lawyer—wanted to make it very clear that we intended this cutoff to be subject to the provisions of the Military Procurement Act of 1971, title VI, he could have done so ending his amendment like this: "After June 1, 1972, subject to the terms, the conditions and limitations, including the return of prisoners as set forth, in title VI of the Military Procurement Act of 1971."

That is the way to limit a limitation. The gentleman from Massachusetts knows this, and had he really wanted to limit his limitation, he would have known how to do so.

With all due respect to my dear friend from Massachusetts, for whom I have the highest regard, he is not doing what he says he intends to do. This makes it obvious in my opinion that we should not try to write legislation like this on the floor of the House. Any limitation on the power of the President to negotiate peace and the release of prisoners should be made only after prayerful consideration, not in an atmosphere of passion and debate.

This is really tampering with the welfare of the people of the United States in general, and of the prisoners of war in particular.

The President of the United States has said time after time he cannot negotiate with the Government of North Vietnam unless he has something with which to negotiate. If this amendment is adopted and willy-nilly the troops of the United States of America must withdraw from Vietnam on June 1, 1972, then you have cut the ground out from under the President of the United States completely. You have in my opinion condemned the prisoners of war and the people who are missing in action to be released at some possible time in the future, but only when North Vietnam decides that it might want to release them.

I have not noticed any indication on the part of North Vietnam which indicates that they possess any of the milk of human kindness whatsoever for anybody, and certainly not for the prisoners of war of the United States of America.

To adopt this amendment would be disastrous, and ask that it be voted down.

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

Mr. Chairman and Members of the House, it is with great hesitation that I again take the well of this House to explore this matter. One of our Members has said he has become weary of hearing this argument continuously. I want to say to him—and I am sure many Members of this House share his same feeling—that I too am weary. I am downright tired of having to debate something that we have debated and debated and debated and redebated and redebated, from the beginning of this Congress: the so-called Mansfield amendment, which of course this is, in albeit a different form. I am weary of, after sitting for weeks on end in discussions with the other body, to bring out a compromise on a particular amendment in the draft bill, this House reacted and did accept a modified amendment of the so-called Mansfield amendment in which it discussed it as being the consensus of the Congress. We go back again. We again are confronted with the same thing. We are at loggerheads, and have long discussions again, and in order to bring forward a bill that you could act upon in some confidence, we reluctantly agreed to language making this "the policy of the United States." Your House conferees made this concession so as to bring back something that this House could act upon. The House did act and approved the action of its conferees on H.R. 8687.

The criticism has been leveled at those of us, who have been fighting this fight for so long and one that we are all weary of, that we never allowed a direct vote to come on the Mansfield amendment. Under a rule which was brought out to the House under the Military Procurement Conference Report, a direct vote was permitted. And when the Speaker put the question not one voice in this body was raised to ask for that direct vote. Under the rule, any individual Member could have gotten a direct vote at that time on the so-called Mansfield amendment. However, none was demanded.

The conference report then had hardly been adopted by the House, and we again hear the winds blowing from the other body that the Mansfield amendment has been tied in to the foreign aid bill. We come here today, and it is proposed that the Mansfield amendment be tacked on to an appropriations bill.

When are we going to stop this tactic in dilution of a responsible and established House position arrived at on two separate occasions?

I join in the statement made by the gentleman from Arizona—we can have only one President—one Commander—whether you like him or not and whether you agree with him or not. I, for one, have insisted I shall not tie the hands of the President of the United States from the very beginning and I stand here again today and repeat that commitment—I am not going to cut his legs from under him when he is doing the best job anybody can do. He should be applauded instead of condemned for what he is doing. This is not a partisan issue with me. There is not an individual in this House who wants those men brought back home any more quickly than I do, but who is so simple as to think that we can accomplish something by declaring to the world that we do not back our Commander in Chief and President. Are we going to tell the world we have no confidence in him—that we proclaim to those who are willing to hear, and there are many, that we are a polarized nation going in many directions.

This is no time to dilly dally with the lives of individuals.

I was very moved by the gentleman talking about his son. I can understand what he means—not having a son—but certainly having a family and a daughter. I know the torture and the anguish that these parents must go through. But each one of those who suffer this anguish and this agony must realize that there are others who went before them and whose sons did not come back—whose sons died in other wars in order that we may continue the type of government and the kind of freedom that we have here.

This is not time for emotionalism. This is a time for looking at the facts and looking the individuals in the eye. This is the time not to divide America, my God—no—let us stand together—let us unite—let us present a solid front and let us support the President of the United States.

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

Mr. Chairman, I rise in support of the Boland amendment. I have supported this position for almost a year, since December of 1970 when I arrived at a decision which I should have reached 7 years before—that the Vietnam war is the most tragic mistake, in my judgment, that this country has ever made. It has caused the downgrading of every single element of our defense establishment because we have been denying to the Navy and the Army and the Air Force and the Marines any Coast Guard needed funds and needed new and modern equipment including naval vessels which we do not have and we cannot buy because of the billions upon billions and billions of dollars that are being poured down the rat hole of Southeast Asia today.

Mr. Chairman, I will yield to the gentleman from Louisiana in just a moment, if I have any time.

Yesterday morning while driving to work, I heard a radio news statement attributed to the President:

> General Abrams will have to get along with less than 90,000 troops, perhaps as few as 65,000 troops by next July.

I assume that means July 1972. That is the end of the quotation I heard.

Since the President is reported to have announced by that date General Abrams will be reduced in troop strength to 90,000 or perhaps as few as 65,000, in my judgment he has destroyed any basis which he might have to negotiate for the release of our prisoners of war and an accounting for our men who are missing in action.

While this may be an oversimplification of a long and complex subject, as far as the issue of the release of American prisoners of war is concerned, in my judgment the President already has a reliable agreement that they will be released or else he is denigrating any chance he has to negotiate for their release. In either event, I feel that he might as well stop the war as soon as he possibly can and bring the United States troops home.

We hear a great deal about this residual force.

Mr. Chairman, what would be the purpose of such a residual force? Would it be for the purpose of maintaining the dic-

tator, Thieu, as the United States-appointed "President" of South Vietnam? If this be the case, I will never again vote for an authorization or an appropriation bill which has funds to be used to maintain or to perpetuate in office in a foreign country a dictator who will not permit the name of an opposing candidate on the ballot. In 1971 there were two major potential candidates for the presidency in South Vietnam, General Minh and General Ky, each of whom had and has a substantial following among the people of South Vietnam, possibly as great or greater than President Thieu would have had without the military support of the United States. If either of them had remained a candidate and dared to go down to the wire in a campaign for president against Thieu, he or they probably would have suffered the same fate as the last candidate who made a bona fide effort to run against Thieu in a presidential election. So far as I know, he is still in prison like a common criminal.

A great deal has been said to the effect that we are in Vietnam at the request of our allies. Mr. Chairman, I think that that may become known to future historians as one of the most damnable fictions of all time. The reason we are in Vietnam today is in support of our self-appointed, unpopular, puppet rulers of that Southeastern Asian country, and I think, Mr. Chairman, the time has come for us to face up to the mistake that we have made and try to correct the mistake instead of compounding it year-in and year-out for God knows how long we may be there.

Mr. Chairman, the time is now and the forum is here for those who think that the war in Vietnam ought to be terminated and to do so by the adoption of the Boland amendment.

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

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

Mr. MINSHALL. I am glad to yield to the distinguished chairman of the House Committee on Armed Services.

Mr. HÉBERT. I had hoped the gentleman from Georgia would give me an opportunity and the courtesy to ask a question. I would appreciate it if the gentleman from Georgia would answer the question: As I understand, the gentleman made the statement that because of the money being poured down the rathole of our military effort in Vietnam, our military people are not getting the hardware necessary to carry on their responsibilities. I would like the gentleman to name one penny that has not been devoted to the acquisition of military hardware in supply of the military of this country and in the protection of the security of this country because of the Vietnam situation. Just name one.

Mr. FLYNT. Mr. Chairman, will the gentleman yield to me?

Mr. MINSHALL. I yield to the gentleman from Georgia.

Mr. FLYNT. If the gentleman from Louisiana, the able and distinguished chairman of the Committee on Armed Services, would go to some of the bases and take a look at what is actually going on, look at the equipment, look at our naval vessels, 80 percent of which are 20 years old or older, at a time when 80 percent of Russian naval vessels are 10 years old or younger, then I think the gentleman from Louisiana might say that the American Armed Forces are deteriorating, and they are deteriorating because of useless expenditures in Vietnam.

Mr. Chairman, I was surprised that the question would be asked by the chairman of the Committee on Armed Services because based on many conversations with him I was of the opinion that he shared my views that there has been substantial failure to keep the development of the Armed Forces at a consistently high rate.

I have cited what I consider to be the almost tragic deterioration of the state of the art of naval vessel design and construction and weapons systems. To those I now add:

First. Deterioration of both barracks and family housing.

Second. Failure to contract for and build badly needed family housing on posts and bases of each of the services.

Third. Near total lack of modernization of all types of military buildings—administrative, instructional and storage facilities.

Fourth. Inadequate maintenance of all types of military installations and equipment.

Fifth. Failure to produce a follow-on fighter aircraft to take the place of the F–4.

Sixth. Failure to produce and project a follow-on high altitude and high performance—supersonic or better—manned bomber aircraft to replace the B–52 which is 16 years old and is obsolescent according to testimony before the House Armed Services Committee and to replace the B–58 which while only 13 years old was phased out of operational flying and placed in storage in early 1970 and a decision has now been made to scrap them.

Not directly related to deterioration because of lack of funds, but in my opinion directly attributable to the war in Vietnam:

Seventh. The lowest morale in the U.S. armed services ever experienced by anyone still on active duty.

Eighth. An abnormally high rate of attrition among both enlisted and commissioned ranks.

Ninth. An astronomical increase in drug use and abuse covering the entire spectrum of harmful drugs.

My remarks evidently generated some concurrence because I have received calls today from all services within the Department of Defense saying that there are many items and projects in each service which are approved but deferred because of lack of funds. I shall include a list of many of these deferred projects in the RECORD at the earliest possible time.

It is manifestly clear, at least to me, that every segment of the Armed Forces of the United States is suffering seriously because funds which should be channeled into essential maintenance, necessary new construction, weapons and weapons systems modernization, new and modern aircraft and surface vessels to replace those which are obsolete and under 1971 conditions virtually ineffective cannot be obligated for those purposes because of Southeast Asia combat requirements.

Mr. Chairman, with reference to inadequate maintenance of real property, the Department of Defense under DOD instruction 4150.9 has established an annual reporting system designed to show the costs incurred in maintaining and operating real property, utilities and related support facilities. As a part of the reporting procedure under this system the military departments are required to report to DOD their Backlog of Essential Maintenance and Repair (BEMAR) to real property. Only those individual items of maintenance and repair costing more than $10,000 are reported. In addition, by definition only those items are reported which cannot be accomplished during the current fiscal year because of nonavailability of funds, and only those items considered essential when delay for inclusion in a future program will impair military readiness capability or cause significant deterioration of real property facilities. These are not frivolous or nice-to-have maintenance and repair projects, but hard-core essential maintenance and repair requirements which if not accomplished will impair military readiness capability or cause further deterioration of real property facilities.

Mr. Chairman, under this strict criteria, the DOD reported this backlog as of the end of fiscal year 1970 to be $730 million. Because of some internal disagreements on some items reported, an official figure for fiscal year 1971 has not yet been established by DOD but an official responsible for the BEMAR report in DOD estimates that the figure for fiscal year 1971 will not be less than $800 million. This establishes the present annual increase in the impairment in military readiness and significant deterioration of real property facilities to be at the rate of $70 million. I stress that this is only the rate of deterioration in real property and does not include one cent of the deterioration in military readiness due to shortages and obsolescence in military hardware or ammunition or anything except real property. Those individual requirements for maintenance and repair which cost less than $10,000 are not included in this figure and I do not know how many hundreds of million dollars these requirements would add to the rate of deterioration of real property in the military services.

Mr. Chairman, with respect to the maintenance of military hardware as distinguished from real property, I have some figures applicable to the Army only. The allocation of operations and maintenance funds for the depot maintenance program over the past 6 years has constrained the Army's ability to adequately perform major maintenance on essential military hardware. Funding has been barely sufficient to meet the highest priority requirements of Southeast Asia and Europe, and a significant degradation in support of CONUS forces. Reserve components, war reserves, and project stocks has resulted. This lack of adequate funding has resulted in a backlog of unserviceable equipment which must be over-

hauled to meet essential distribution requirements.

This growth in essential maintenance backlog is caused by the need for priority overhaul of equipment returned from Southeast Asia for distribution to Army forces worldwide. This redistribution is essential since the equipment used in Southeast Asia is the most modern in the Army inventory. This requirement which is not now being met was $113 million at the end of fiscal year 1970 and grew to $181 million at the end of fiscal year 1971 and is now estimated to reach $244 million by the end of fiscal year 1972.

Mr. Chairman, this shows that the rate of increase in this backlog of hardware in need of major maintenance which cannot be repaired because of nonavailability of funds is $63 million per year.

Mr. Chairman, I have been speaking only of the money required for maintenance, not the cost of the items or property on which these repairs should be made and on which such repairs cannot be made because of lack of funds. Some of these major essential items of hardware which require major repairs now and which are not now in usable condition are:

		Fiscal year 1971
(1)	Helicopter, UH–1 series	238
(2)	Tank, M60/M60A1	112
(3)	Carrier, Personnel, M113A1	1882
(4)	Carrier, Cargo, M548	474
(5)	Carrier, Command Post, M577A1	89
(6)	Tractor, Full Track, Med	275
(7)	Tractor, Whld	312
(8)	Radar Set, AN/PPS–5	205
(9)	Radio Set. AN/PRC–74	238
(10)	Howitzer, 105MM, M102	125
(11)	Generator Set, 45–60KW/400cy	381

Mr. Chairman, I have in my possession five volumes listing projects and items for one of the three major services. These five volumes contain detailed lists of projects and items which have been deleted for funds. In many instances this shortage of funds has been caused solely because of a reprogramming of authorized and appropriated funds from the operations for which originally authorized and appropriated. In practically all of these instances the reprograming was caused by a need for additional funds with which to finance the military effort in Vietnam.

These reports are readily available for inspection by the chairman of the Committee on Armed Services and appropriate staff members of that committee, and may already be in their possession. It is quite likely that a minimum of $1 billion a year has been diverted from worthwhile and necessary projects because of the accelerated costs of the Vietnam war during each of the past 7 years. As outlined above, more than $800 million of urgently needed maintenance has been delayed because of diversion of funds by reprogramming and other procedures. It is possible that the total diversions may have averaged in excess of $2 billion a year for each year since 1964.

Mr. HÉBERT. The age of naval vessels increased long before our action in Vietnam. This has nothing to do with Vietnam. The gentleman has not answered my question. He has not told me where one penny has been denied our military forces in the protection of the security of this country.

Mr. MINSHALL. Mr. Chairman, as the distinguished chairman of the Committee on Armed Services has pointed out, we have covered this route before. This is another in what has been a series of amendments to come before the House and/or the Senate demanding in effect that we get out of Southeast Asia on a date certain. Each time Congress has wrestled with its conscience over the issue. Each time prudence and support of our President have won over whatever transient political popularity might be given it.

I do not question the sincerity of any Member of this House or of the other body or of the public sector in desiring peace. I do think, however, that there are some who cannot stand the success of the Nixon administration in its successful phasing out of the Vietnam conflict.

What I am about to say I want to be very clearly understood and not to be misconstrued as impugning the patriotism of anyone who supports the end of war amendments, but it is apparent that there are some who not only want to belatedly climb on the Nixon bandwagon as it heads toward peace, but who are also frantically for what could be politically motivated trying to run ahead of it. No matter how well intentioned, their efforts could completely derail our drive toward that objective.

The Boland amendment is a chimera. We have every reason to believe that similar proposals have been made by the U.S. representatives in Paris, and that they have been refused by the North Vietnamese. I am not a bit impressed by the public pronouncements on the other side in Paris. One presidential aspirant already has learned how quickly they shift positions when they undercut him completely on assurance he said they had given him regarding the return of our prisoners of war.

If adopted, the Boland amendment might well spell failure for the delicate negotiations the President plans on a personal level with leaders in Peking and Moscow.

And, I ask this committee, are the sponsors and supporters of the Boland amendment prepared to take the consequences of their action, a complete cutoff next June 1 of the fewer than 50,000 troops we will have in Vietnam at that time—support troops, not combat troops?

Do the supporters of this amendment seriously mean to cut off from these men the means to defend themselves from enemy attack, to cut off even their food and maintenance supplies?

Adoption of the Boland amendment could well mark the first time the Congress of the United States deliberately set out to create an Alamo.

There is a great deal of infighting going on, showing a complete disregard for Presidential leadership and authority in foreign affairs. It is an ugly picture.

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

(By unanimous consent, Mr. MINSHALL was allowed to proceed for 5 additional minutes.)

Mr. MINSHALL. Mr. Chairman, as I say, it is an ugly picture. Opponents of the President's policies need only look at his record since he has been in office, and they must—they must acknowledge the success he is having in fulfilling his promises to withdraw from Southeast Asia. He has kept every one of them since he took office two and a half years ago.

Richard Nixon is not the villain in the tragedy of Vietnam. He has saved and is saving American lives. He has taken American men out of the jungles, out of combat, and he has returned them to their homes. He is continuing to do this. He will bring our men home, and this includes our prisoners of war.

Time and time again the President has reiterated his policy regarding withdrawal from Southeast Asia. It could not be made more clear. The goal is a negotiated settlement, withdrawal of all foreign forces, release of all prisoners of war, and a cease-fire throughout Indochina. He has repeatedly stated that if such a settlement cannot be reached, withdrawal of our forces will be determined by the level of enemy activity, progress of Vietnamization, and our success in obtaining the release of prisoners of war.

I appeal to this House not to tie the hands of the President. Just remember that he has brought home 80 percent of our troops, or will have in the next 2 or 3 months, committed by the previous administration at the peak of its escalation of the war.

This is a time for cheering the Nixon administration, not to be undercutting it in its continuing drive toward peace and the safe return of all American men.

I urge the Members to reject the Boland amendment as a threat and a detriment to the continuing and growing success of our President's efforts.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I want to commend the gentleman for the statement he has made and to associate myself with his remarks, and I should like to ask the gentleman a question.

Mr. MINSHALL. I am glad to yield to the gentleman.

Mr. ANDREWS of Alabama. What would be the situation if the first of July 1972, arrived and the prisoners of war had not been returned?

Mr. MINSHALL. Does the gentleman mean the first of June?

Mr. ANDREWS of Alabama. Whatever the amendment says, if it is the first of June 1972. Let us assume we reach June 1, 1972, and the prisoners have not been returned?

Mr. MINSHALL. It would be a tragic situation, as has been repeatedly pointed out. Our hands would be tied. We would not be able to do a darned thing about it.

Mr. ANDREWS of Alabama. Does the gentleman think the Vietcong and the North Vietnamese will ever return those prisoners unless we make them do it?

Mr. MINSHALL. I certainly hope they will. I only hope they will keep future promises better than they have kept past ones.

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

Mr. Chairman, I rise in support of the Boland amendment. Much has been made of the prisoners of war in Vietnam, and those of us who know the families of those prisoners have some sense of what agony they are going through and how desperately they want to get their sons and husbands back.

But men are now today dying in Vietnam. If this war keeps on for another 6 months or a year, as many additional men will die in Vietnam as there are now prisoners in Vietnam, and those men who are still on the battlefield and who may yet die deserve as much consideration as the men who are there prisoners.

I believe the opposition to this amendment comes from those who want us to believe that "Poppa knows best" and that children should not interfere. Congress has too long proceeded on this theory that the President knows best, that he knows what he is doing and can be counted on to do the right thing and that we should give him the money and the manpower he wants.

For 9 years that we have been in Vietnam I have served in the Congress. How many hours I have sat and listened in committee to generals, Secretaries of Defense, and Secretaries of State. I have been to the White House and I have listened to the President and all his glamorous advisers who claim to have all the inside information. And I, just as you, have voted for the money.

The gentleman from Indiana has pointed out how his son went to Vietnam. Well, my son went to Vietnam. He fought for a solid year in the 101st Airborne. He was wounded twice. In the last battle only two men in his platoon were not killed or wounded. I very nearly lost my son in Vietnam.

How many hours I have asked myself. "Why did you encourage your son to go to Vietnam? Why did you give him the impression that the people up there, all the generals and Defense Secretaries and admirals and so on, knew best." When you read the Pentagon papers and examine the rest of the record, the very kindest conclusion you can come to is our President and generals and advisers did not know what they were talking about, did not have the foggiest idea of what was going on or what we should do. If they did know, then you have to credit them with evil intentions, and I hate to do that, although the Pentagon papers make it look as though our leaders were a pretty byzantine crowd. I think it is pretty clear that the President does not know best. He has no monopoly on information or wisdom. People around him tell him what he wants to hear, and they have been doing that for years and years.

It is time for the Congress to reassert its responsibility. You are asked to authorize these appropriations, you are asked to appropriate the money, you are asked to draft the thousands of boys who did not have the foggiest idea of what this was all about. You have had to comfort the mothers and fathers who came to you. Now you are told, having done all that and having gone along and having been good children, that you should not have anything to do with getting those boys back out of Vietnam.

A lot of this opposition to the Boland amendment comes from those who want the President to get the full credit for getting us out of Vietnam. I—along with you—have had to take my share of the responsibility and the blame. Now I want to be able to take some of the credit. I want to be able to tell my constituents—and my own son—that I had something to do with getting us out of Vietnam.

I yield back the balance of my time.

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

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

I am no expert on Vietnam or Southeast Asia, but, Mr. Chairman, I have been in Vietnam a number of times. I was over there only last August. I believe I have some knowledge of the situation.

I am opposed to the Boland amendment because, in the first place, it is not necessary. The President is withdrawing Americans from Indochina in large numbers and the withdrawal is going on in an orderly fashion. I saw it with my own eyes only last August. It takes time to withdraw men and equipment, and a time certain will not accomplish anything.

Mr. Chairman, I guess what concerns me most about the Boland amendment is the weakening of our position as to the prisoners of war and as to the missing in action. I know my colleague, Mr. BOLAND—and I hope he is here on the floor—sent each Member a letter from the Prisoners of War, Missing in Action Families for Immediate Release supporting the Boland amendment. I have a letter written to the chairman of the Committee on Appropriations (Mr. MAHON). This letter came to him yesterday. I have a copy of the letter. It is from the National League of Families of American Prisoners and Missing in Southeast Asia. It says:

NOVEMBER 16, 1971.

Congressman GEORGE H. MAHON,
Chairman, House Appropriations Committee, Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN MAHON: The National League of Families of American Prisoners and Missing in Southeast Asia, the first organization formed by family members, has a membership far greater than any other group, including the POW/MIA Families for Immediate Release. The League of Families is *not* in agreement with Congressman Boland nor Senator Mansfield.

Yes we want our prisoners home as rapidly as possible and we want an accounting of our missing men but when we leave the entire process of negotiations rest with the North Vietnamese, which in essence this amendment permits, we sincerely doubt that we will gain any satisfactory conclusion to the MIA/POW dilemma.

We, the majority of family members strongly urge you to carefully consider this amendment for we have faith in *our* government that our men, missing and prisoners are not and will not become second rate issues.

Sincerely,

EVELYN GRUBB,
National Coordinator.

(Similar letter written to Congressman G. V. MONTGOMERY who has been very closely associated with the POW–MIA situation.)

Mr. Chairman, this letter represents the great majority of the families of the POW/MIA and they do not like the Boland amendment.

Mr. Chairman, the North Vietnamese and the Vietcong are really the most vicious enemy we have ever fought. Why should we set a date certain and hope that the enemy will act in good faith—an enemy that never abided by the Geneva Accords, an enemy that has shot down Americans over Laos, and where those that we did not rescue we have never heard from.

I might say that the State Department reports that in the 6 months period of March to October 1970, 1,300 letters were received from POW's by American families in the States. In the same period now, 1971, only 170 letters have been received from the POW's. Can anyone explain this?

What are you going to do in the Boland amendment is take away the negotiating power of our Government and give all of the trump cards to the North Vietnamese.

Mr. Chairman, as Admiral Moorer, Chairman of the Joint Chiefs of Staff, said:

If you take the route of the Mansfield and Boland amendments, there is a possibility we will not get all of the Americans back.

Mr. Chairman, the amendment is based on the release of American prisoners of war and does not consider—and this is a point that has not been mentioned today—does not consider the release of Australian prisoners of war, New Zealand prisoners of war, and the South Korean prisoners of war who had been our friends for many years fighting in South Vietnam as well as our other allies. This amendment leaves our Allies to get their prisoners back the best way they can; I ask, Is this fair?

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

Mr. MONTGOMERY. I yield to the gentleman from Arizona.

Mr. RHODES. I want to congratulate the gentleman on the statement he has made and particularly upon the activities of the gentleman in furtherance of the welfare of our fighting men in Vietnam, not only the men who are now fighting, but the prisoners of war and the missing in action. The gentleman's activities have been over a longer period of time more fruitful than those of any other Member of the House and I congratulate the gentleman.

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

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

Mr. DOW. At one time the United States had 550,000 men in Vietnam. I think the gentleman will have to agree that the presence of those men was of no effect in securing the release of our prisoners of war.

How does the gentleman suppose, when we have reduced our forces down possibly to a figure of less than 100,000 shortly, that with that small number of men we will have any leverage to get those prisoners out by force or threat of force?

Mr. MONTGOMERY. I will say to the gentleman from New York that we will have a holding force in Vietnam which will be around 50,000 men plus a strong air striking force. We will not be leaving

them by themselves over there and we are not turning the negotiations over to the North Vietnamese, which the Boland amendment does.

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

Mr. Chairman, I rise in support of the Boland amendment and I now yield to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I would like to speak to one aspect of the Boland amendment, the question of the prisoners of war.

Previously, the Congress has requested the President to withdraw at the earliest practicable date on one single condition, that our prisoners be accounted for and returned.

The President, however, has insisted upon a second condition—that the North Vietnamese and the Vietcong cease their attempts to overthrow the government of South Vietnam. He has said that we will continue the bombing in Laos, Cambodia and Vietnam until there is a reasonable chance that the Thieu-Ky government survives.

Secretary of Defense Laird has said that this bombing may be required for 10 years.

Mr. Chairman, when the President adds this second condition for our withdrawal from Southeast Asia, he not only ignores the request of this Nation and the national policy of this Nation as set by the Congress, he flouts the language of the law he himself has signed. Let me read in part that law which was signed by the President himself when we passed the amendments to the Selective Service Act of 1967:

> The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:
>
> Negotiate with the Government of North Vietnam for the establishing of a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release at a date certain of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

Mr. Chairman, that was a single condition passed by the Congress and enacted into law, a request only, but still a request by the Congress of the United States that makes the laws of this Nation.

Mr. Chairman, there is a clear constitutional issue here. The Congress makes the law and the President is charged with faithfully executing those laws. Even as Commander in Chief, his powers are defined and limited by the Congress under the Constitution.

This was established by the Supreme Court of the United States over 160 years ago, about the same time that *Marbury* v. *Madison* established the right of the Court to review the acts of the Congress.

As the chairman of the Armed Services Committee has said, "We have only one President." But that President is bound to execute the laws we enact.

We have told the President in clear and unmistakable language:

> Mr. President, there is only one condition we ask for our withdrawal: the return of our prisoners.

What power does the President have to decide that he will impose a second condition? The survival of a government which is clearly a police state—which pursues denial of due process, torture, repression of dissent on a daily basis? And when the President imposes that condition, what does it do for our prisoners of war? We continue to withdraw our troops. Obviously the people have overwhelmingly demanded this withdrawal. What possible help does it give to our prisoners to continue to withdraw and yet demand that the war be won? Does not our negotiating posture diminish as time goes by?

If we continue to insist on winning the war through Vietnamization, how can we ask for our prisoners back? Clearly the North Vietnamese know and understand that this holding of our pirsoners of war is their most important bargaining weapon. They have no reason to return the prisoners if we insist on remaining in Vietnam until the South Vietnamese Government is secure.

The President's policy, in my judgment, condemns our prisoners to indefinite captivity. If the President would comply with the suggestion Congress has already made, that our negotiators be instructed to reduce our demand to the single demand, the condition of the return of our prisoners, I believe we can end the war in 30 days.

The Boland amendment merely implements the request we have already made and makes mandatory of the President that which we have already requested that he do, that we change our negotiating posture at Paris.

Mr. Chairman, I hope the House will adopt this amendment.

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

Mr. Chairman, I rise in support of the Boland amendment. The hour is late, but there is still a chance that Congress can assert itself finally on the Indochina issue, and assume the leadership necessary to bring us out of that entanglement. Clearly the executive is not—in the foreseeable future—going to do it.

At present there is no writ, declaration or pronouncement to warrant U.S. intervention in Indochina. That irresolute document, the Gulf of Tonkin resolution, was nullified by this Congress at the end of 1970. The appeal in that paper to the SEATO treaty was consequently abandoned. No authority remains.

We are in Indochina for no declared purpose. We are just there because we are there. It is clear, too, that, after we have gone, the solution and the conclusion will not be American at all. Whether it takes a week after we go, or a month, or a year or a decade, the solution will be a Vietnamese solution. And that they could have had long ago, if the United States had not chosen to interfere.

The commitment of so much of our resources, the loss of so much of our blood for undefined purposes in Vietnam, must be laid not only at the door of the Executive, but also at the door of this Congress which stood listlessly by, all the time that the Executive went busily about his futile work.

Through 7 years of warfare in Indochina, the Congress and the leaders of the responsible committees have cultivated legislative inaction like a flower. They have accepted a policy of congressional abdication and constitutional torpor.

They have not even required from the Executive an accounting of the cost of this adventure. For a time in the previous administration we received a total figure in the budget that was the annual cost of Vietnam. Yet the present administration has discontinued any such figure. The fault is no more his than ours, considering our woeful failure to insist upon it.

Two years ago the record showed expenditure of $5 million in Cambodia. Now Congress is settling for figures in the hundreds of millions of dollars. When I went to Laos in 1967, our Ambassador showed me a cost estimate of our annual costs there that was approximating $55 million. Today, truer figures have come to light showing totals for Laos, like Cambodia, running to hundreds of millions of dollars.

To the stupefying recital of our mistakes, losses, and wastes in Indochina, we must add the dismal failure of this Congress to assume responsibility. Chloroformed by the slogan that the President is Commander in Chief, we have been willing to allow that this permits him to invade any land, expend our sons and drain our resources, without a warrant or leave from this Congress—and without any accounting of the cost.

When will there be a reassertion of the congressional prerogative as a coordinate branch of this Government? When will we become legislators again on foreign issues?

The time is now. Let us end not only the monstrous calamities that we have visited upon Indochina, but also the executive department's heedlessness of Congress which has been tolerated in this sleeping body for nearly 7 years.

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

Mr. DOW. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from Mississippi mentioned prisoners of war from other countries such as Australia and the Philippines.

I am under the impression that those countries have long ago withdrawn all of their troops from Vietnam.

I wish some member of the Committee on Armed Services would inform us if that is correct.

Mr. DOW. I cannot answer the gentleman whether the Australian or Korean forces have been withdrawn or not, but I do say this prisoner of war issue is being blown up and exploded into an immense issue which is offered to fog the main question—and that is the direction of our national policy overall in Vietnam.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, as I read this amendment, within the four corners of the paragraph, I must interpret it as an unconditional deadline for the use of any funds for the support of Americans in Vietnam.

Mr. Chairman, I do not believe there is any ambiguity which would permit any-

one to read that amendment and come to a different conclusion. If that is so, it strikes a cruel blow at those who have fought and who are fighting, and to those who are prisoners of war in that part of the world.

But, if we say there is ambiguity which negates it as being unconditional, as the author of the amendment said when pressed and when he said, "Oh, no, this condition does not apply at all unless there has been a prior release of our prisoners."

Then, I submit this represents a cruel hoax upon our prisoners, upon their families and upon the American people.

We are told in the statement of the additional views that it has been stated by the negotiators in Paris that the prisoners are not going to be returned until a deadline for our military involvement has been established.

If we accept that at face value, it still leaves open the question about other concurrent demands that are being made and that have been made and it certainly does not provide us with any assurance that if a deadline is established, the prisoners will be returned.

I certainly must challenge the credibility of anyone who asserts that once a deadline has been set, then the prisoners will be returned.

So here we have the inconsistency of the sponsors of this amendment on the one hand telling us that a deadline is contingent upon a prior release. In other words—no release—no deadline.

On the other hand, we are told that this nonexistent deadline will assure the release of the prisoners. I believe this amendment will condemn our prisoners and not help them. I strongly oppose it, and I hope we will not mislead those who yearn for the return of the American prisoners of war by giving them a guarantee which is no guarantee at all.

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

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from New York.

Mr. KEMP. I would like to commend the gentleman for his remarks. I would like to address the attention of the House to point 1 of the seven-point demands made by Hanoi which sheds light on what they really want. The quotation is this:

> The United States Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materiels of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

Mr. Chairman, it is clear that this is a call for the unconditional and unilateral surrender of the United States. This amendment should be defeated and I commend the gentleman for his remarks and his leadership on this issue.

Mr. DAVIS of Wisconsin. It certainly puts the lie to any intended assurance that once we set a deadline, that that is all that is required to assure the return of our prisoners.

Mr. KEMP. Mr. Chairman, will the gentleman yield further?

Mr. DAVIS of Wisconsin. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding. It is a great disservice I think to the people of this country and, to those who are watching and listening to this debate, to mislead them into thinking that this is a way to end war. The House of Representatives, by voting for this Boland-Mansfield amendment, is not going to end war. It has been said that you can elect who you want to be your leader but you cannot elect not to have a leader. We have an elected leader and he is bringing about more progress toward ending this war and given more hope for the kind of peace we want, than all of this rhetoric and I might add our desire is not just for peace now but peace for the future, and I suggest that we give our serious consideration to voting down this pernicious amendment. The way to help end this war is to shout loud and clear to Hanoi by this vote that we want an honorable end to this war and an immediate return of our POW's and MIA's.

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

Mr. Chairman, I have listened to the debate and I was struck by the remarks of the distinguished chairman of the Armed Services Committee (Mr. HÉBERT) who opened his remarks by saying, "I am weary." My thoughts at that moment was, this country is weary. This country wants the war ended.

Then Chairman HÉBERT said:

> When are we going to stop debating the Mansfield amendment?

My thought at that moment was that we are going to stop debating the Mansfield amendment when we adopt that amendment, and not before.

Three gentlemen, at least three, took the floor in opposition to the Boland amendment, advancing as their arguments, that it does not do what the gentleman from Massachusetts (Mr. BOLAND) says it will. They say they find the language imprecise and that it does not specifically insure the prior or simultaneous release of our prisoners of war on the setting of the withdrawal date. The gentleman from Massachusetts tried to assure them that that was the intent. He felt that the language was adequate. The legislative history of the debate here would show that, but I ask those three men who took the floor if the language were all that you wanted with respect to insuring the return of our prisoners of war, which we all want, would you vote for it? Would you vote for it?

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

Mr. KOCH. I am delighted to yield to the gentleman from Arizona.

Mr. RHODES. The Military Procurement Act of 1971 contained language which indicated very strongly that it is the policy of the Congress that we want to get out of the war in Vietnam. I voted for it, but I do not have to do so every day to prove that I mean it.

Mr. KOCH. Let me respond to that by saying this: I believe it is important that this Congress—if it has the authority, the power, the desire, and the will to do so—debate this issue every day until those men are brought home and the war is ended.

Members have risen to commend the President because he is, they say, "winding down the war." Who will say to the fathers and the mothers of the 5 or 8 young American men who last week were killed in Vietnam that the war has been wound down? Or to those who may yet die before, in fact, the war is ended? To them it is not a question of winding down. It is a question of the deaths of their sons. That is why I say we should use every opportunity and amendment offered in this House to debate this war until it is concluded, not tomorrow, but today; not 6 months from now, but today.

And if the best vehicle presented to us today is that amendment offered by the gentleman from Massachusetts (Mr. BOLAND) whom I applaud for leading us today and for having spoken so eloquently, I am going to support it. And if it is offered tomorrow on some other bill, I am going to speak and vote for it, as I will on every occasion when I can rise in opposition to that dirty and immoral war.

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

Mr. KOCH. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I was very much impressed with the gentleman from Indiana and the gentleman from Maryland, who told of their sons in the war. I, too, have had a boy in Vietnam, a "grunt," a marine platoon leader, and he spent 13 months on the DMZ and won the Bronze Star in action.

I rise in support of the Boland amendment. I wonder whether or not any of those who have risen in opposition to the amendment have also suffered the anguish of a family who had a boy in Vietnam.

Mr. O'KONSKI. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, by way of background, I would like to go into a little personal history. I have always been a man of peace. I have been opposed to war when it was unpopular to be so. I was opposed, along with old Bob LaFollette, to our entry into World War I for which we were called traitors. It is different now. The biggest racket we have in the country today is the peace racket. There is more money collected in the name of peace and unaccounted for than any other racket in the country. But I am talking about a time when it was unpopular to be for peace and against war.

In the middle of World War II, in 1944, I was here and I introduced a resolution that we withdraw our troops from Europe then, because we could have had a separate peace with Germany, and we could have saved a great many people who were burned in gas chambers. We could have saved many of the people whose lives were lost at Anzio Beach and Omaha Beach and other places. We did not need to kill 135,000 women and children in Dresden, Germany, with bombs. We could have had peace before then.

The war in Vietnam, the Members will remember, had the first $2 billion appropriation in 1954. I opposed it, and warned against our involvement there. I think we have had no business in Viet-

nam in the first place, and I think the sooner we get out of there, the better. We cannot get out of there too soon as far as I am concerned. In 1957, 1961, 1963, 1964, 1965–67 I opposed the war in Vietnam. Please heed my advice. The worst thing we could do in my judgment is to pass the Mansfield-Boland amendment. I will tell the Members why. Suppose the Mansfield-Boland amendment were in existence in 1954 when the French got defeated in Dienbienphu. Suppose the French had tied withdrawal to the prisoners of war and an accounting for all the missing in action? The French would still be in Vietnam now, 17 years later.

Suppose we had tied the condition of the ending of World War II in Europe to the accounting for every single prisoner of war and missing in action? I know of 10,000 allied officers still unaccounted for in World War II in Europe. We would still have 5 million troops in Europe if we had tied it down to the accounting of missing-in-actions and the release of prisoners of war.

Suppose the Mansfield amendment were in existence in 1969 when President Nixon took office. We would still have 550,000 troops in Vietnam, because it would have been tied to the releasing of the prisoners of war and the accounting for all of the missing in action.

How can you be so naive? If we are going to tie withdrawal to the prisoners of war and those missing in action we will be in Vietnam for another 10 years. One gentleman said it very bluntly when he said we had 550,000 men in Vietnam, and we could not negotiate on the prisoners of war, so how in the world are we going to do it when we have only a residual force of 45,000 men and have served notice that we are going to be out of there completely as soon as possible.

If Members want to continue the war for the next 5 or 10 years—vote for the Mansfield-Boland amendment. Who is so naive as not to know the Communists use the prisoners of war in a completely different fashion from all civilized nations in the past. The Communists use prisoners for propaganda purposes. They are not concerned with our getting back our prisoners of war and getting them out of Vietnam. Mark you and mark you well we are going to have to pay a heavy ransom for the prisoners of war we have in Vietnam, and it is going to amount to billions of dollars, and it is going to take us 3 or 4 or 5 or maybe 10 years to negotiate it. Under the Mansfield-Boland amendment we will be compelled to keep troops in Vietnam during all that time. I want out now—not 5 or 10 years from now.

If you pass the Boland-Mansfield amendment conditioning our withdrawal of troops from Vietnam on the release of prisoners of war and the accounting for all MIA's you are voting to prolong the war in Vietnam for another 5, 10, or 15 years, and it is on your heads that you are prolonging the war.

Stripped of all its niceties the Mansfield-Boland amendment is another Tonkin Bay resolution in disguise. Do we want a repetition of that catastrophe? Think, listen, and learn; is not one Tonkin Bay resolution enough in our time? I think one is too much. Let us get out of Vietnam now—not 5 or 10 years from now, which is the real meaning of the Mansfield-Boland amendment.

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

Mr. Chairman, as the gentleman from Wisconsin just said, it has been 18 years since we authorized and appropriated $2 billion and sent it over to Bao Dai and the French. It has been 18 years now that we have been involved in Indochina.

Children, who were babies at that time, have now grown to adulthood. They have reached the age of 18, and we are still involved in Vietnam.

I recall years ago when I took the floor many times in favor of the war. It was with feeling that I rose in support of the war. And it is with feeling I rise at this time. I know how the distinguished gentleman from New Orleans feels. So many times I had gone to the area schools of my district supporting the administration's policy in Vietnam, until it occurred to me to check the other side of the issue.

Could we justify our involvement in Vietnam? As I stand here in this well today, I cannot justify morally, politically, or strategically in terms of the defense of this Nation any reason for being in Vietnam.

I truly have been moved by some of the speeches made in this House today, especially that one by my good friend ED ROUSH, when he told about his son's experience in Vietnam.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

I live with EDDIE BOLAND. I know his thoughts and feelings and the work he has put into this amendment.

Under the Constitution the Congress has the right to declare war.

Under the powers of the Constitution, the Congress has control over the purse, and has the power to appropriate and authorize funds for the conduct of this war.

Under the powers of the Constitution, the Congress has the right to terminate the authorization and appropriation of funds for the conduct of this war.

Through this constitutional power of the purse, the end product is that the Congress has the right to terminate a war by setting a deadline for funding for the conduct of a war.

I am not standing here to criticize President Nixon's feelings and actions with regard to the war.

This amendment is not designed to tie the hands of President Nixon on the withdrawal of troops; nor does it tie his hands on negotiations over the release of prisoners of war. The amendment says nothing about the withdrawal of troops at the continued pace which the President has set forth. It does not affect his withdrawal program.

It does not affect negotiations, because the amendment is contingent on the release of prisoners of war. If the prisoners of war are not released by June 1, 1972, the amendment as offered by the gentleman from Massachusetts, (Mr. BOLAND) is not valid. The release of prisoners of war can only come through direct and indirect negotiations. These negotiations will continue regardless of this amendment, just as the troops will continue to be withdrawn regardless of this amendment.

What is the question that we are arguing? We have come to a divided line in American history, and this is the question: Should we continue to live with the war in Vietnam as we have for the past 18 years? Do you want a continuing presence in Vietnam of American troops for many years to come a reality? Or do you want the troops home by June 1 of 1972?

I, for one, want the troops home by June 1, 1972. I would have them home tomorrow if it were possible.

I believe the Boland amendment is an excellent amendment, and I urge Members to vote for it.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, those of us who have known our friend from Massachusetts, EDDIE BOLAND, for a long time know that among his many fine characteristics and attributes he is always frank, he is always candid; and, typical of those characteristics, today he was frank and candid with us in making two comments, among others, in support of his amendment.

First he said that this is the toughest, hardest amendment of this kind that this Congress has had on its doorstep. Second, the gentleman from Massachusetts gave credit to President Nixon for the program of Vietnamization which has resulted in a reduction of our manpower in Vietnam from 540,000 plus down to roughly 180,000 at the present time and the prospect of a further reduction to 139,000 come January 31, 1972.

These are honest, frank statements which all of us ought to appreciate and understand, and I, for one, especially appreciate the gentleman from Massachusetts candid comments.

Let me ask this question, recognizing that those were honest and frank statements by the gentleman from Massachusetts: At a time when the war is being ended, is it wise to approve the toughest, hardest amendment that the House of Representatives has faced on this issue?

In my judgment, the reverse should be true. If the President were not succeeding, if he had not accomplished a great deal, then I could understand somebody saying in frustration that the House of Representatives and the Congress of the United States ought to take tough action. But here is the President, without the help of any such amendment fixing a date for withdrawal or imposing other arbitrary conditions, who has reduced America's manpower commitment from 540,000 plus to 180,000. That achievement has been done without such an amendment. Why under these circumstances should we seek to impose upon the President the hardest, the toughest amendment that has come before the Congress?

It is my honest opinion that if the Congress approves this amendment with a deadline, it will destroy the potential for any further withdrawals. As a matter of

fact, I think approval of this amendment would in effect stop withdrawals under the plan of Vietnamization that the President has implemented. It is my judgment that if this amendment is approved, it will in effect end any negotiations that would be meaningful. It would take away from the President, regardless of some of the comments made earlier, a trump card of the President for his negotiations, whether they are in Paris, whether they are in Peking, or whether they are in Moscow. If the Boland amendment is approved. The President would go to those negotiations with one less trump card that he could use in the negotiations for the release of the prisoners of war and for the recovery of the missing in action and for the total termination of our military conflict in Vietnam.

Mr. Chairman, I say to the Members of this body as strongly as I can that any amendment with restraints of this kind will jeopardize the opportunities for the President to get our prisoners of war out and end this military conflict.

I say in conclusion we have on the statute books now not one but two statutory provisions that say we must get our prisoners of war back and withdraw all of our forces. I just do not know how many times you have to pile on the statute books another piece of legislation of the same kind.

I say to you this is bad legislation and it ought to be defeated. If you want the prisoners of war back, beat the Boland amendment.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment by my colleague from Massachusetts, Congressman BOLAND, to the Department of Defense appropriations bill for fiscal year 1972. The amendment would prohibit the use of funds "to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia after June 1, 1972," subject to the release of American prisoners of war.

This amendment, the latest and most promising in a series of attempts to assert the will of the overwhelming majority of the American people with respect to our Indochina policy, rises in an unparalleled political, constitutional, and historical context.

Politically, this amendment represents the last clear chance for the Members of this House to vote their consciences on the Vietnam war. Some of our colleagues have previously declined to support such an amendment on the ground that the President would soon declare a definite withdrawal date. Those well-intentioned expectations have, tragically, not been realized. In the absence of Executive willingness to establish a deadline, Congress has a greater responsibility to do so in light of the overwhelming expressed desire on the part of the citizens of our country for such a deadline.

In a constitutional sense, this amendment is historic because it arises in the wake of the recent decision by the U.S. Court of Appeals for the First Circuit in the case of Massachusetts against Laird. In that case, the Commonwealth of Massachusetts had challenged the legitimacy of the war in Vietnam on the ground that Congress has never voted a declaration of war. The court rejected the claim, stating that Congress has constitutionally sanctioned the war by voting appropriations for it. In its opinion, the court stated:

> In a situation of prolonged but undeclared hostilities where the Executive continues to act not only in the absence of any conflicting claim of authority but with steady Congressional support, the Constitution has not been breached. The war in Vietnam is a product of the President's supportive action of the two branches to whom the congeries of the war powers have been committed.

The decision in Massachusetts against Laird by the highest Federal court yet to rule on the war's constitutionality, removes any question of the appropriateness of the Boland amendment. It can no longer be argued that the appropriation process can be separated from the legitimacy of the war. If we fail today to pass this amendment we will explicitly be ratifying the continuation of a policy which we know to be a catastrophe.

This amendment would not improperly restrict the President with respect to any attempts which he may be making to secure the release of prisoners of war. The amendment would not take effect unless our prisoners of war were returned. Moreover, based on the sum total of evidence from all sides on this question, I do not believe that we can realistically expect to obtain the return of our prisoners of war in the forseeable future unless we pass this amendment today. The official organization of the families of our prisoners of war and missing in action has endorsed the Boland amendment.

I will not insult the intelligence and concern of my colleagues by again reciting the tragic consequences of the Vietnam debacle. Now that every theoretical underpinning of this holocaust have been proved wrong—including the so-called domino theory and the ridiculous charade which resulted in the ascension to power of Thieu—we must act. Every day we sanction the sacrifice of another life of another Asian or another American on the altar of the South Vietnamese dictatorship we are perpetuating an injustice of ghastly proportions.

Mr. Chairman, I have recently completed a comprehensive review of the nine volumes of hearings of our Appropriations Committee on this bill. If any one theme emerged from those hearings, it was, I regret to state, that we have not learned the lesson which the excruciating evidence of our policies in Southeast Asia should have taught us. Even as the committee today recommends a defense appropriation of $71.05 billion—an increase of $1.47 billion above the amount appropriated last year—we continue to be mired in the rhetoric of the 1950's and 1960's. I deplore this increase in appropriations, and I believe the military budget is grossly disproportionate to our national security needs.

Buried in the ninth volume of the Appropriations Committee's hearings, in small print, is a statement by the distinguished former Senator from Pennsylvania, Joseph S. Clark. I associate myself with Senator Clark's statement and commend it to the attention of my colleagues.

Among other things, Senator Clark states:

> That we could safely cut the President's $76 billion budget to no more than $60 billion. In coming to this conclusion we believe:
>
> Our military policy is obsolete in the light of our overall foreign relations today. The administration has proposed a bill for offense rather than defense. It is not isolationism to suggest that we pull in all over the world our conventional forces, eliminate many of our bases and confine our strategic power to eliminating overkill and assuring that no enemy would dare stage a first strike against our country.
>
> These excessive military expenditures are tearing the country apart—both our economy and our relationships with each other. Our needs at home to feed the hungry, to clear our air and water of pollution, to rebuild our cities, should have a higher priority than the ever-increasing demands of the military.
>
> These excessive military expenditures are the principal reason for the galloping inflation from which we have been suffering, for the fantastic deficit we are facing in the Federal budget for this and the next fiscal year, for the incredible deficit in our international balance of payments which goes on and on without check. In short, we are running out of money.

Mr. Chairman, I also specifically endorse the following recommendations for defense budget cuts made by Senator Clark in the course of his testimony:

(1) Stop appropriating money for the development and deployment of the ABM. It won't work. In view of the President's statement of May 20, we should certainly freeze ABM deployment and R. & D. appropriations pending the results of the SALT talks.

(2) Abandon development and production of the B–1 strategic bomber. It is obsolete before it gets off the drawing boards. The B–52 is completely adequate for any future strategic bombing needs. Between the submarine nuclear threat and intercontinental ballistic missiles we do not need a third offensive nuclear system. The Russians have stopped spending money on their intercontinental strategic bomber. The time factor alone makes nuclear bombers obsolete.

(3) Freeze all strategic weapons at their present strength. Our present overkill is enough, many times over, to deter Russian or Chinese attack.

(4) Deploy no more MIRV's and encourage our negotiators at SALT to work to eliminate multiple warheads as part of an arms control agreement.

(5) Cut back the authorization for military manpower to 2 million or less. As we withdraw from Indochina determined to have no more Vietnams, general purpose forces of 2 million are quite adequate to defend U.S. territory against attack and to participate on an appropriate basis with other states through the United Nations or otherwise in peacekeeping and peacemaking efforts in the Middle East, Europe, Asia, and elsewhere.

(6) There are a number of obsolete and obsolescent weapons systems on which no more money should be spent. Among these are:

(a) SAGE and AWACS. Air defense is ridiculous in the modern strategic military world.

(b) Another nuclear aircraft carrier. It must be remembered that the surface navy of all nations is vulnerable to destruction in the event of war. Either torpedo boats or submarines can destroy not only aircraft

carriers supporting surface vessels by attacks launched out of range of the guns of the surface navy. Similarly, an aircraft can wreak the same havoc.

(c) Further purchase of C-5A troop carrier airplanes. We have enough now to support legitimate foreign policy objectives.

(d) Antisubmarine warfare expenditures. As in other areas of modern warfare the offense is so far ahead of any conceivable defense that ASW is obsolete.

(e) Chemical and biological warfare expenditures. This department of the armed services should be phased out except for defensive measures.

(f) The 22 tactical air wings are far too many. We could eliminate at least five and still have plenty for conventional warfare purposes.

Mr. Chairman, I hope that for all of the foregoing reasons, a majority of the Members of this House will support the Boland amendment and will also support prudent and essential reductions in our military budget, including the reductions which our distinguished colleagues from Wisconsin and Michigan, Congressman ASPIN and Congressman RIEGLE, propose.

I, for one, shall continue to seize every opportunity to reassert the proper social role of those who design and execute our military policy.

Mr. COTTER. Mr. Chairman, I rise in support of the amendment offered by my good friend from Massachusetts (Mr. BOLAND). This amendment, as is well known, will cut off funds for Indochina pending only the release of prisoners of war.

This amendment restores the critically important specific end date that was removed in the conference versions of the Department of Defense authorization bills. I believe, as I have stated in the past, that the Congress continues to have the responsibility for legislating an end to this war. I know there are many Members who believe that total discretion in this matter should be vested in the President. I cannot disagree more strongly.

All of my actions on Vietnam during this, my first term, have been to place more responsibility on the Congress in this area of foreign policy. For example, one of my first legislative actions was to cosponsor the Vietnam Disengagement Act. A short time later, I signed a letter of intent—the O'Neill letter—to vote for all amendments which would end the war by congressional action. I voted for the Nedzi-Whalen and the Mansfield amendments in their original form which specified a specific time to end the war.

Mr. Chairman, I submit that we have honored our obligations in Indochina. Fifty thousand U.S. casualties, innumerable deaths of Southeast Asian peoples, and over $250 billion in U.S. military supplies dictate that the Congress act responsibly and effectively in legislating an end to this tragic war.

I urge all Members to cast their votes in favor of this amendment.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the Boland amendment. Just as every other Member of this body, and every citizen in our country, I hope and pray for an early conclusion of the conflict in Southeast Asia. I know of no one who wants war, except Communists in that area.

I do not think this amendment is the proper way to end the conflict there. If we are going to pull out of Southeast Asia, and turn our back on a long and rich history of honor and integrity, we should do it in the proper way. The proper way would be for us to renege on every treaty obligation we have around the world.

We should cancel treaty arrangements with SEATO, NATO, Middle East countries, and all others, if we are determined to abandon our position of leadership in the world, and if we are to serve notice that we will not help anyone who fights Communist aggression.

We have solemn treaty obligations. I am not saying that they are right or wrong, but we have them. In my judgment, we should either honor those obligations, or we should abandon them—all of them, not just the one affecting South Vietnam.

I have been amused to hear on the floor that one reason for the Boland amendment is that there were no free elections in South Vietnam this year. I would ask those who hold to that position, how many free elections are there in Africa, in South America, in other Asian countries? The advocates of that position do not suggest that we abandon our obligations to those nations—they single out only South Vietnam.

I have also heard it said on the floor that we should get out of Southeast Asia because the government there has corruption in it. What about the New York City Police Department? Should we abandon every aid to New York City?

Mr. Chairman, we have to put first things first. The honor and glory of my country comes first with me.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Boland amendment to H.R. 11731, which would establish June 1, 1972, as the termination date for all U.S. military operations in Indochina, subject to a return of all American prisoners and an accounting of those missing in action.

Why should a person support this amendment? There are many reasons:

First, to stop the death and destruction. I have heard people say, "Why, only five Americans were killed last week."

Mr. Chairman, that is five too many. One more life, one more amputee, one more prisoner of war is far too large a price to continue to prop up the Thieu regime.

Second, to return our American prisoners of war and to account for those missing in action. Mr. Chairman, as each day passes, as more and more servicemen return from Indochina, our power to bargain with the North Vietnamese and the Vietcong is gradually eroded. As each day passes, we have less and less to offer the North Vietnamese and the Vietcong in order to gain the release of our men.

The President has announced plans to withdraw, but he insists upon a residual force remaining in South Vietnam. Next year, when we have this residual force in South Vietnam, will this release our men?

I believe that, today, when we have the most power, is the best time to negotiate a release of our prisoners. Tomorrow, or next month, or next year, may be too late—our power may have weakened to the extent that we have nothing to offer the North Vietnamese, and Vietcong in exchange for our prisoners of war.

In addition, Mr. Chairman, on July 1, 1971, the Vietcong presented a new "seven-point peace plan" to the talks in Paris. The key element of the plan was an offer to release U.S. prisoners of war in return for a withdrawal deadline. Prior to this commitment, they had merely offered to "discuss" release of prisoners.

Mr. Chairman, the POW/MIA Families for Immediate Release, a nonpartisan organization composed of parents, sisters, wives, and children of prisoners of war and missing in action, stated in July:

We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam.

And they go on—

In accordance with this, we have been working for the establishment of a termination date for U.S. military operations in Indochina in conjunction with the return of all prisoners and an accounting of the missing in action by the date.

Mr. Chairman, I agree.

Third, U.S. prestige. How can we continue to advocate freedom and liberty on the one-hand, while, with the other, we prop up the regime of a man who, by hook or by crook, kept all other contenders off the ballot in the recent election?

Fourth, to heal our divided country and put our resources to work in this country. The alienation, the hate, the divisiveness, that we have seen—we must, once more, direct our efforts, in a united campaign, to accomplish the goals that we seek here at home: Better housing, improved education, pollution control, social justice, a stable economy.

Mr. Chairman, this Nation is great, our people are good—we want to work for a purpose, but surely not for those purposes which have led to over 360,000 American deaths and causalties in Vietnam, surely not for an uncontested, one-man referendum, that is paraded under the label of democracy.

Mr. Chairman, I feel that we must end the war, bring our troops and prisoners home, and account for the missing in action.

Mr. Chairman, I vote for the Boland amendment.

Mr. DORN. Mr. Chairman, I rise in opposition to the Boland amendment to arbitrarily set a date of June 1, 1972, for the termination of all American air, ground, and sea power in Southeast Asia. It is not in the interest of peace and a final settlement with honor of this unfortunate conflict. I know of nothing which would please the Communist aggressor more than to have a definite date this far in advance toward which they could make their sinister and diabolical plans. This amendment would tie the President's hands and place him in an impossible position to negotiate successfully in Peking.

We must maintain some bargaining power and room for discussion and maneuver. Complete abandonment of our every single endeavor on a given date

could contribute to aggression and war in some other theater.

The Red China delegation at the United Nations is already demanding total and abrupt U.S. withdrawal from South Korea and Taiwan, as well as Thailand, Cambodia, Laos, and South Vietnam.

President Nixon is withdrawing our troops from South Vietnam ahead of schedule. He is becoming disentangled from this conflict as rapidly as possible. I urge the House to take no action today which would threaten the President's Vietnamization program and endanger the lives not only of American prisoners but of our men as they withdraw.

Mr. Chairman, I respect and admire the distinguished gentleman from Massachusetts (Mr. BOLAND). I know that he is sincere and feels very deeply about this war and I know of his concern for the prisoners. But I urge this House, in the interest of long-range peace plans and long-range security, to reject the gentleman's amendment. I will vote against the Boland amendment and urge my colleagues to reject this amendment.

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

Mr. Chairman, I am in complete opposition to the Boland amendment because I am in complete support of effective efforts to bring the war to an early and honorable end and to secure the release of Americans held as prisoners of war.

In my opinion the Boland amendment will not serve the best interests of peace or the prisoners of war. I have the greatest respect for the author, the gentleman from Massachusetts (Mr. BOLAND) but I feel the proposal represents an unsound approach to the problem.

Mr. Chairman, some are speaking as though there had been no change in the situation in Southeast Asia. But by the end of January about 80 percent of our Forces will have been withdrawn. Yet some talk as though there has been no change. This does not square with the facts of the situation.

To impose an arbitrary withdrawal date on the President and assume the frightful responsibility of failure or disaster when it is clear from the President's statements and actions that American involvement in the war is moving toward termination, could have disastrous consequences, and I think we all know it. To cut off funds arbitrarily when the objectives we have established—South Vietnamese capability to handle its own security—appears to be possible of realization would be to risk grave consequences.

The American people have indeed made a massive investment in lives and in our efforts in Southeast Asia. There are those who are willing to throw that aside and seek to receive no benefit on the part of the greatest Nation on earth from this tremendous sacrifice. This is difficult to understand.

Mr. Chairman, the cost in lives to the South Vietnamese, of course, has been much greater. This is not the time to ask whether the effort should have been undertaken.

The war has proceeded with the support of the Congress and now is not the time to argue about whether we should have gone into Vietnam.

The war is ending. It will be ended. The only question is how and when we complete our American military involvement. Will we seek to follow through toward a reasonably acceptable conclusion—at least a semisuccessful conclusion—or do we wish to court disaster.

Our objective in this conflict is a South Vietnam that can stand alone, and this cannot be accomplished in 6 months. And no one can guarantee that this objective will be fully achieved. But we are virtually certain to lose that objective if we end all American involvement at a fixed date 6 months from now. Are we going to accept the proposition that our losses and our sacrifices have been in vain? I do not think so.

To adopt the Boland proposal would involve trading a very good chance of success for almost certain failure. We have stayed together in this Congress over a long and arduous course. We should not, in one final moment of disappointment near the end, forego all prospects for a favorable outcome. It is unthinkable that any Member would want an unfavorable outcome.

We did not do it in Korea. We protected our investment. We made sure that we capitalized on the sacrifices we had made.

Yes, Mr. Chairman, we are near the end. American combat deaths, as high as 500 per week 3 years ago, have been less than 10 in each of the past 5 weeks. None of us will be content so long as there is even one. Let us not lose sight of how far we have come.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for an additional 5 minutes.

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

Mr. DRINAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I thank the gentleman for yielding.

The Boland amendment would tie the President's hands at an extremely critical time, and would—undoubtedly—tend to cripple and undermine the efforts of the South Vietnamese.

Mr. Chairman, the Vietnamization program has gained momentum and we hope it will succeed. It can succeed if the problem is handled wisely by this country and South Vietnam. The South Vietnamese, with our help, are rapidly improving their armed forces. Their readiness to successfully defend themselves without U.S. support or assistance cannot be made to coincide with a predetermined and arbitrary timetable.

Vietnamization is designed to permit our total withdrawal from direct military operations without jeopardizing the departing U.S. troops.

The President must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide materiel and maintenance support through a military advisory mission of some sort.

We must make sure that we have a shield to protect our withdrawing forces. Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense. The safe withdrawal of U.S. forces depends upon the availability of adequate air support.

The readiness and capability of South Vietnamese Armed Forces is dependent upon the phased transfer of equipment, ground operations, and air support in terms of South Vietnamese capability to increase their forces and readiness. While impressive progress has been made, it would be impossible to accomplish all aspects of Vietnamization by June 1, 1972, in a manner that would give maximum assurance of the integrity of the South Vietnamese forces.

In short, Mr. Chairman, what does an arbitrary deadline at this moment gain us? It could result chaos in South Vietnam with the North Vietnamese coming on strong against off-balanced South Vietnamese forces with the Americans in the process of pulling out precipitously caught in between.

Why should we voluntarily relinquish a prime position of power which we now possess in our determination to regain our prisoners? Why should we relinquish a position of power in dealing with the Communists which could permit us to end the conflict in Indochina under conditions reasonable men would call honorable?

The President is planning to visit China and Russia in 1972. Obviously he has a negotiating plan. We should not deprive him of negotiating power and options by fixing a total unilateral withdrawal date from South Vietnam. It would be cruel indeed to pull the rug out from under the President of the United States when he as President of this great country meets officials in Peking and Moscow.

The efforts which we will yet be required to make in connection with the conflict in Southeast Asia are small indeed compared to what we have done in the recent past. Yet this last small increment of effort—this exercise of prudence—is crucial to a maximum chance of realizing the objectives we sought. This amendment would minimize if not eliminate our chances. This is not the way to make foreign policy. The amendment should be soundly defeated in the interest of the prisoners of war and in the interest of peace.

Mr. YATES. Mr. Chairman, I should now like to speak in my own right, if I may.

Mr. Chairman, I yielded to the gentleman from Texas because I consider him to be one of the most respected and distinguished Members of the House. When he speaks the House must listen. As it happens, I do not agree with his views on this subject, but GEORGE MAHON is entitled to be heard.

The gentleman has said that the war is being won; that the war——

Mr. MAHON. I said that the war is being wound down. I did not say the war was being won but I hope it is being brought to an honorable conclusion.

Mr. YATES. I was under the impression that the gentleman said that the war is being won, however, I will accept the gentleman's statement that the war is being wound down.

That winding down process has taken an enormously long time, and will go on and on unless the Congress acts.

That point was assured by the President's statement today on the Mansfield amendment. He said when he signed the military authorization bill that even though the Mansfield amendment is the law he does not agree with it and will not follow it.

Yes, troops have been withdrawn from time to time. There have been reductions in the number of troops in Vietnam. Yet, the Secretary of Defense said the other day to the press that he envisioned that there would be a residual force in Vietnam for some time to come—that the Air Force would continue to stay in Vietnam.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. YATES asked and was given permission to proceed for 2 additional minutes.)

Mr. YATES. The President's statements and his goals are certainly not clear.

The distinguished gentleman from Ohio (Mr. MINSHALL) used the phrase, in describing President Nixon's goals that we have heard over the last 10 years. I remember President Johnson saying the same thing—that our goal in Vietnam is to make sure that all foreign troops get out. This was the goal, too, of President Eisenhower and of the Kennedy administration as well.

The thing I am very concerned about is that this might be the goal of the next administration, also as the distinguished whip mentioned—we have come to a fork in the road. We must make our choice. The issue is clear. We must decide whether we shall say the war must end on June 1, 1972, or whether we shall continue on the same path indefinitely we have followed for years in the vague hope that some day we will get out of Vietnam.

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

The CHAIRMAN. For what purpose does the gentleman from Alabama (Mr. ANDREWS) a member of the committee rise?

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of the fact that the gentleman from Illinois graciously yielded most of his time to our chairman, I yield to my friend, the gentleman from Illinois.

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

Mr. Chairman, the point I wanted to make was it is essential that we, in the Congress, take action today. This is the first real opportunity that we have had for a vote on the question of cutting off funds.

The gentleman from Michigan, the distinguished minority leader, talks of voting for the Mansfield amendment time and again. That may be true, but this is the first opportunity we have had to implement the Mansfield amendment by using the recognized congressional power. The Congress has the authority to end this war by its control over the funds.

Mr. Chairman, I shall vote for the Boland amendment and urge my colleagues to do so.

Mr. Chairman, I thank the gentleman from Alabama for yielding.

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

Mr. ANDREWS of Alabama. I yield to the gentleman.

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

Mr. Chairman, the statement has been made, I believe, by my good friend, the gentleman from Illinois, that we do not know the goals of the President in Southeast Asia. Well, let me help to clarify that picture—here are the goals of the President set forth in his own words in the statement he made today at the time he signed the Military Procurement Authorization Act.

Here are the goals of the President, and I quote:

> Our goal and my hope is a negotiated settlement providing for the total withdrawal of all foreign forces including our own and for the release of all prisoners and for a cease fire throughout Indo China. In the absence of such a settlement or until such a settlement is reached, the rate of withdrawal of United States forces will be determined by three factors—by the level of enemy activity, by the progress of our program of Vietnamization and by the progress toward obtaining the release of all of our prisoners wherever they are in Southeast Asia and toward obtaining a cease fire for all of Southeast Asia.

It could not be stated any more clearly and I hope that answers all questions about the President's goals in Southeast Asia.

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PUCINSKI. I wonder if the gentleman from Florida would not care to tell us if those same goals were not the identical goals of President Eisenhower, President Kennedy, and President Johnson ever since we have been there.

So what is changed in this manifesto that the gentleman just read?

Mr. SIKES. If the gentleman from Alabama will yield further, I think perhaps the fact that 80 percent of the troops have been brought home or will be at a specified time, should answer the gentleman's question about the new and positive efforts being made by President Nixon to bring the conflict to an end at the earliest possible date.

Mr. ANDREWS of Alabama. Mr. Chairman, I am supporting the President in his effort in this program of Vietnamization.

I am concerned about the future and the fate of our unfortunate prisoners of war. I would like to hear from some person who is near the President as to what the President has in mind and what he plans to do. We cannot negotiate. They will not negotiate with us.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me respond by simply saying that I know the President is personally doing all he can through every avenue and through all sources to achieve a negotiated settlement. I do not think it would be wise for him to tell me or anyone in similar circumstances the precise places and people. I do not think it would be wise for him to tell that to others in comparable positions or otherwise in the Congress. But knowing the President, as I think I do—I have for 23 years—and having asked him much the same question the gentleman has asked me, and getting him to respond, I say, to the greatest possible degree, both as to time and as to place, he is seeking to end the war by negotiation. I believe him, and I think in the meantime, as we negotiate, we are accomplishing the end of the war in a way that will achieve to a degree the ends which we desire.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

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

Mr. RYAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 45 minutes.

Mr. DELLUMS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 45 minutes.

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

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONG of Maryland. Mr. Chairman, I was not standing at the time so my name should not be included in the list, and I also want to ask a question.

The CHAIRMAN. The gentleman's name will be stricken from the list.

Mr. LONG of Maryland. Mr. Chairman, I want to ask this question. Are those who have already had 5 minutes under the 5-minute rule entitled to speak again?

The CHAIRMAN. They are.

The Chair recognizes the gentleman from Connecticut (Mr. MONAGAN).

Mr. Chairman, I have supported the Nedzi-Whalen amendment and the various modifications of the Mansfield amendment which have placed the Congress on record as favoring a definite end to the war in Vietnam and I yield to

no one in the firmness of my belief that such a prompt termination is one of the essentials for bringing about the necessary reconciliation of various elements in our society.

At the same time, I feel that the Boland amendment goes too far. It would make impossible the spending of one penny by the President after June 1, 1972, in Laos, Cambodia, or Vietnam regardless of how meritorious the expenditure might be and in my judgment without regard to whether or not it related to the withdrawal of troops or the carrying on of other defensive and protective measures.

It seems to me important to note that the general situation has changed remarkably over the period of the last year. The President has not only announced but he has carried out a program of withdrawal of combat troops from Vietnam. This program has gone so far that it is beyond the point of no return and with each withdrawal the credibility of the President's statements is increased. At the same time, whether a specific date has been announced, an approximate date is being established by implication from the facts of the situation. The President has also stated that another announcement would be forthcoming February 1, 1972.

The question is whether the Congress should undertake at this point when future developments and problems are necessarily unpredictable that not one dollar shall be available to the President after the first of June next year. I do not wish to take the position that the President might find himself needing money for a desirable and necessary activity generally related to withdrawal and reduction of force but be unable to find the necessary funds because of a vote of the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin, (Mr. ZABLOCKI).

(By unanimous consent, Mr. DAVIS of Wisconsin yielded his time to Mr. ZABLOCKI.)

Mr. ZABLOCKI. Mr. Chairman, I thank my friend, the gentleman from Wisconsin (Mr. DAVIS), for yielding his time.

Mr. Chairman, I rise in opposition to the Mansfield-Boland amendment, but before speaking on that subject, I desire to share with the Chairman and the Committee Members a matter of considerable importance involving Government printed documents, a development which has recently been brought to my attention.

It is, I believe, a question which should be of concern to the Members of the Congress as a whole, and especially to the Joint Committee on Printing.

As the Members know, the Subcommittee on National Security Policy and Scientific Development of the House Foreign Affairs Committee has been conducting hearings for some time on the issue of POW's and MIA's in Southeast Asia.

Throughout the course of those hearings, the subcommittee has conscientiously abided by the principle of fairness and balance. Recognizing the broad range of views on the issue, the subcommittee invited and heard witnesses expounding all sides of the U.S. POW–MIA question and problem.

The published proceedings of those hearings amply reflect the impartial and balanced nature of the hearings.

Therefore, I was shocked and dismayed when a bastardized and deceptive version of one set of hearings published by the subcommittee was called to my attention. Photographically reproduced by a New York organization known as Clergy and Laymen Concerned, the hybrid version to which I refer has selectively culled only those statements and portions of the original document which generally expound an anti-Vietnam position. It is, in short, slanted, biased, and unbalanced, and yet purports to be an official reproduction.

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

(By unanimous consent, Mr. RHODES yielded his time to Mr. ZABLOCKI.)

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from Arizona (Mr. RHODES) for yielding his time.

Since Government documents are printed with appropriated funds—the tax dollars of the American public—there is much to commend the policy of allowing Government materials such as hearings and reports to fall within the public domain. They belong to the people, all the people. To allow wider distribution, the reproduction of Government documents is laudable.

However, I do feel that this recent experience suggests the desirability of amending the rules and regulations regarding Government printing so that slanted reprints of congressional hearings and reports will be prevented.

I would therefore recommend to my distinguished colleagues on the Joint Committee on Printing a review of this entire question. More specifically, the committee may consider, for example, a revision in the rules and regulations requiring reprinting of documents in full, except with the specific written authorization of the chairman whose committee print may be involved.

My purpose is certainly not to stifle or in any other way impair the dissemination of valuable information frequently found in Government documents. Rather—and most emphatically—it is a matter of assuring the very fairness and balance the American people have come to expect and deserve.

Further, I would of course be pleased to discuss the question in greater detail with the Joint Committee on Printing and share with them the material in question.

Mr. Chairman, this biased and excerpted reproduction is available for 95 cents per copy from Clergy and Laymen Concerned About Vietnam located at 475 Riverside Drive, New York, N.Y. It is my understanding the organization sent their perverted version to families of POW's/MIA's. Obviously to misinform the recipients. Rev. Richard R. Fernandez, director of Clergy and Laymen Concerned About Vietnam was listed as a member of the steering committee—the committee of liaison. Other members of the steering committee include Mrs. Cora Weiss of Women Strike for Peace; Mr. David Dellinger of Liberation magazine; Mr. Richard Barnet, co-director of the Institute for Policy Study; Mr. Richard Falk, professor of international law at Princeton University; Mrs. Anne Bennett, Women Strike for Peace; Mr. Rennie Davis, peace activist; Mrs. Ethel Taylor, Women's Strike for Peace of Philadelphia; and Mr. Stuart Meecham, peace education secretary of the American Friends Service Committee.

All are reported in support of setting a deadline date thereby insisting on the early release of our prisoners of war.

Mr. Chairman, during the debate on the Defense appropriation bill and in recent months repeatedly it was stated that if the United States would only withdraw the troops from South Vietnam the POW's would be released and the MIA accounted for. The truth of the matter is that Mme. Nguyen Thi Binh, Minister of the provisional government of South Vietnam and other spokesmen for Hanoi have reported: In case the U.S. Government declares it will withdraw from South Vietnam and those of its allies—the people's liberation armed forces will refrain from attacking the withdrawing troops; and the parties will engage at once in discussions on, first, insuring safety for the total withdrawal and second, the question of releasing captured military men.

Mr. Chairman, it is clear if the United States will announce the unilateral withdrawal of U.S. troops at best the Viet Cong and Hanoi will then begin to discuss the POW/MIA issue. Certainly should our country, our President be compelled by the provisions of the Mansfield-Boland amendment to name a date certain, June 1, 1972, as the date all U.S. troops will be withdrawn would negate every effort to stabilize the situation in South Vietnam and—what is more important—such action will seal the doom of our POW's/MIA's.

The veracity and trustworthiness of the harbingers of solutions from Hanoi and Paris must indeed be questioned, particularly if these same characters have demonstrated their sensitivity for truth and fact as evidenced by the POW's/MIA's hearing reprints they disseminated.

Mr. Chairman, in behalf of national security and interest, the safe return of our servicemen in Vietnam, the early release of our prisoners of war, the accounting for our servicemen missing in action, and for the interest of continued stability in South Vietnam, I urge that the Boland amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague and good friend from Massachusetts, Congressman EDWARD P. BOLAND. The amendment would only accomplish what we have been trying to do in the House for the past year now and that is to establish a date certain. Having established a commitment to a

date certain as a matter of record, with the inclusion of the modified Mansfield amendment in the recent conference report on the military procurement bill accepted by both Houses of Congress, it is now time that we go on record with a specific date.

The newspapers have been filled with reports the past few days that U.S. military operations will have been terminated in Indochina by the end of June next year. This only confirms what many of us have been saying for some time, that in view of the strong feelings in this country against the war, in view of every poll taken on the subject, the administration could not possibly go into the next election without having terminated U.S. involvement in southeast Asia. If this is the case and all we are doing here is recognizing reality then why the opposition to this amendment?

Before the opponents reply by asking me the question "if these reports are true, why is this amendment necessary?", let me reply by saying that I think it is necessary to show we mean business through the historical means at our disposal; namely, through the exercise of Congress' control of the pursestrings. The amendment would also assure that we would not still be involved in hostilities in Vietnam through the device of residual forces which all of the press reports just referred to seem to indicate is part of the administration's thinking at this moment.

The amendment also would serve notice to the North Vietnamese that they have a chance to perform and honor their promises to release all American prisoners and give an accounting of Americans missing in action, once this Government announces its intention to terminate action in Vietnam by a date certain. In other words, in voting for this amendment, I find no difficulty in reconciling this vote with my long standing position that we have a moral responsibility to see to it that we gain the release of all American prisoners of war. It is time in fact, that we lived up to our promises to the distraught relatives of these men by honestly exploring every avenue to secure their release. This is the one avenue that, as yet, is unexplored. I can think of no better reason for voting for this amendment than the removal of the prisoners of war and missing in action issue from the controversy surrounding the war. This could extricate these men not only from their prisons but from their involvement in all the controversy over the war. Hopefully, the issue would no longer be the political football it has been until now.

In short, the amendment will be evidence that Congress is no longer supporting a war which has gone on far too long—as the courts claim we have until now. This date certain still gives the administration plenty of time to prepare for an orderly withdrawal—far too long when you come right down to it. Each day any more lives are lost in this war is a tragic indictment of a bankrupt policy. It is time to start saving lives instead of saving face. My only regret is that the date certain is June 1, 1972, instead of June 30, 1971, as provided in House Resolution 1013, of which I was one of the original cosponsors back in May of 1970.

(By unanimous consent, Mr. BINGHAM yielded his time to Mr. BURKE of Massachusetts.)

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Chairman, I rise in support of the Boland amendment to the defense appropriations bill.

The Boland amendment would prohibit the use of funds to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972, subject to the release of all American prisoners of war.

The Boland amendment is in complete accord with U.S. policy as provided in title VI—the compromised Mansfield amendment—of the Military Procurement Act of 1971 since it terminates our participation in the war contingent only upon the return of our POW's. Of course the most significant section of the Mansfield amendment—the 6 months withdrawal deadline—was dropped in conference. The Boland amendment will reestablish this critical termination date and furnish the basic means for the implementation of that provision.

We in Congress can no longer maintain that the appropriations process should be separated from the legitimacy of the war. In a recent first circuit court decision, Laird against Massachusetts, the court found that the Congress has a clear responsibility for the Vietnam war by virtue of the annual appropriations of funds to implement the President's policy. The court opinion states, in part:

> All we hold here is that in a situation of prolonged but undeclared hostilities, where the Executive continues to act not only in the absence of any conflicting Congressional claim of authority, but with steady Congressional support, the Constitution has not been breached. *The War in Vietnam is a product of jointly supportive actions of the two branches to whom the congeries of war powers have been committed.*

In view of the overwhelming desire of the people of this Nation to terminate the fighting in Southeast Asia, Congress has an urgent duty to approve the Boland amendment.

I strongly urge all Members to support this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, in the time I have been in this Congress, I have grown to have great sympathy for the Members of this House who were forced to support this war under false assumptions. I want to congratulate the Members of this House for taking one step, and that is to state their policy directing the President to negotiate a withdrawal upon the condition of the release of our prisoners. That is what we did in the Military Selective Act and in the Military Procurement Act.

The gentleman from Massachusetts (Mr. BOLAND), whom I especially wish to congratulate today, comes here to say, "Now that we have taken that one step, let us really use the power of this House. Let us really do what we are required to do under the Constitution, and are mandated to do by three-fourths of the American people, all of our constituents. Let us set a date to cut off funds for this war after June 1 if the President does not."

Many of you who do not vote against the war do so in defiance of the wishes of the majority of your own constituents. The statistics and the polls have proved that.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(By unanimous consent, Mr. BADILLO yielded his time to Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, we are being asked by the gentleman from Massachusetts (Mr. BOLAND) to use the power we have, the power of appropriations, to cut off the funds by a date certain if we do not withdraw our troops from Vietnam.

The fact is the President will go to Moscow and Peking, but not to Paris, to negotiate the Vietnamese proposal to release all prisoners if we would but set a date certain to withdraw our troops. The fact is the President tells us that there will be a residual force of at least 45,000 or 50,000 remaining in Vietnam.

We must assert our congressional power to prevent that residual force from continuing that war in Indochina, as we now intend to do.

What the President and the Secretary of Defense are going to do is to continue in the air the war we have had on the ground. There is a recent study, the Cornell study, which proves that what is intended is to continue an automated war instead of a ground war, for which we need only 45,000 or 50,000 troops.

I support the Boland amendment. We must cut off the funds if this Congress is to assert its rightful power.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(By unanimous consent, Mrs. CHISHOLM yielded her time to Mrs. ABZUG.)

Mrs. ABZUG. Gentlemen, I am asking you to vote to reflect the will of the American people but, more than that, to reflect our obligation in this House. Not once since I have been here have we used our power over appropriations to make it clear that there is a separation of power between the executive branch and the legislative branch of our Government.

I do not think it is in any way a reflection upon our loyalty or our respect for the executive branch. Quite to the contrary, we are saying to the President that we, as an independent branch which represents the people—we, as the House of the people—have an obligation to make sure that what the President is saying comes true and, if the President does not act in exercising the power of the Executive to cut off this war, we will cut off the funds. Support for the Boland amendment asserts that we have the power to do so.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, when Abraham Lincoln of Illinois was a Member of this body he was an outspoken opponent of the Mexican War, but he never at any time voted to cut off the appropriations for the ongoing operations of our troops in the field.

We lack Mr. Lincoln's stature and wisdom but, Mr. Chairman, I trust we retain enough wisdom and responsibility to vote against this ill-considered amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, it has been suggested today that there is no answer to give those veterans who return from Vietnam and ask "Why are we there?"

There is an answer. We are there because of Presidents who lacked wisdom and Congresses that lacked courage.

We can change both deficiencies.

(By unanimous consent, Mr. YATES yielded his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I rise in support of the Boland amendment, but the question I would raise is, how can one engage in meaningful debate on such an important issue in 45 seconds? I think that is a travesty. We stayed here until 2:30 in the morning debating racist antibusing amendment to the higher education bill. Yet, on a matter of life and death to the young—the ones required to fight and die in this absurd war—of this country, we see fit to parade people down in front of this microphone and allow them 45 seconds to debate. I hope that the young of this country remember the mockery of how we dealt with the serious question of life and death in Southeast Asia. In these remaining few seconds, I urge my colleagues to assume some responsibility for ending this adventurism—support the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the chairman of the full committee, Mr. MAHON, indicated that he is still working toward a semisuccessful conclusion for the war in Southeast Asia.

I think we are behind that. I think the American people want to get out of this war, and I think we are suffering from a false delusion if we think that we are really ending the war. If you think casualties running at the rate of five, two, and three a week are representative of what is going on over there, you have to keep in mind that the South Vietnamese this year will lose 23,000 men. Last year they lost 23,000 men also. The enemy last year lost 103,000 men. This year they are going to lose 111,000 men. There is no possibility that we are going to negotiate peace with this much war going on around us. I think we have to recognize——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WOLFF was allowed to yield his time to Mr. LEGGETT.)

Mr. WOLFF. Mr. Chairman, I would like to express my wholehearted support for the Boland amendment which would prohibit funds for the war after June 1, 1972, subject to release of all U.S. POW's and full disclosure of information with respect to MIA's, and I strongly encourage my colleagues to join me in support of this important and necessary measure.

The war in Vietnam has been prolonged for months and years now, partly as a result of the failure of both sides to resolve the prisoner of war question. I vehemently objected to shallow attempts last year to turn this issue into a political volleyball, to be batted back and forth to no avail. When the North Vietnamese delegation to the Paris peace talks set forth their proposal early this summer, offering to settle this question, I again urged that the POW issue be resolved with haste.

Mr. Chairman, we are dealing with the lives of human beings, who have every right to expect that the United States will act in their best interests to secure their release. We have before us, in the Boland amendment to the Defense Appropriations bill an excellent opportunity to assert our intent to act in their behalf.

In essence, this amendment would do no more than implement what President Nixon has declared our policy to be—that U.S. participation in the war would terminate upon release of all American POW's. Enactment of the Boland measure would assert the will of the Congress, which I might add, has for too long been dormant on this issue, declaring our intention to withdraw from active participation in the war, contingent upon the release of our men. Such a declaration would, I believe, serve two vital purposes.

First, we would be serving notice to President Thieu and the South Vietnamese Government that they must prepare to assume the full burden of the war without further delay. I can see nothing harmful in providing this impetus to the South Vietnamese, who, I am afraid, have learned to become far too dependent on this country.

Second, passage of this amendment would serve to assert the responsibility that the Congress bears, not only for waging this tragic, ill-conceived conflict, but more important, for bringing the war to a speedy end.

Rather than to tie the hands of the President, as some have mistakenly contended, the intent of this amendment would be to join President Nixon in asserting our support for a policy of withdrawal. For surely we have nothing to lose in making this peace initiative, for should Hanoi decline to return our POW's or provide information on our MIA's we would then simply delay our troop withdrawal until such time as our terms were met. And, we have everything to gain should they respond to our overture for peace.

Mr. Chairman, if we are going to make our POW's an issue in this war, then let us make them an issue for them to end the war, and bring them home. If we fail to extend this vital initiative toward ending America's role in Vietnam, then we in the Congress will be just guilty of prolonging the war. With the lives of American citizens at stake, we cannot afford to let political expediency get in our way. Again, I urge my colleagues to join me in support of this vital measure. They have nothing to lose by doing so, except the lives of countless American soldiers who suffer the agonies of hell being held captive even one day longer in North Vietnam.

Mr. LEGGETT. Mr. Chairman, I think we have to recognize the great secret solution of Richard Nixon to end this war cost us 19,000 lives and innumerable wounded. What was the great secret solution to end the war? Apparently to deescalate more or less as we escalated. That means every 6 months to tell the American people about where you are going.

I say this: We were confused in getting into this war by my administration and by previous administrations, and we will be confused in geting out of it unless we give some direction to the President of the United States and to the people of the United States.

I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) that will help bring all American troops and prisoners of war back to the United States by June 30, 1972.

Over the past 4 years, I have supported the President's withdrawal program, his negotiating efforts in Paris, and his private diplomacy aimed at a release of our prisoners of war. However, I do not feel his withdrawals have been fast enough. I would remind him that he promised an end to the war in the campaign of 1968 and point out that events in South Vietnam indicate that the country is in a good position to defend themselves and to determine their own future.

Let it be clear that the amendment before us today is closely tied to the prisoner of war issue. Under no circumstances will I support any withdrawal amendment unless it means the return of all American soldiers, both those in the field and those in prison camps. Colloquy has established that this amendment will be null and void if the prisoners are not released. On the other hand, if they are, all troops and prisoners would be returned home by next summer.

This plan is very close to the President's own plan. Speculation has set the troop levels for next summer at less than 50,000. The difference in terms of defense of South Vietnam is negligible. Thus the real issue is the return of the prisoners.

Moreover, our efforts in that country over the last decade have helped build the South Vietnamese Army into the best trained and equipped army in that region. Our mastery of the air war has been transferred to a strong and efficient Vietnamese Air Force.

Additionally, our objectives of self-determination for the people of South Vietnam has been realized now that two general presidential elections have taken place. Further efforts could be considered questionable involvement in the internal affairs of another nation.

However, as I have pointed out, while these goals have been accomplished and the war is over for all practical purposes, our involvement there cannot be considered ended until every soldier in the field and every prisoner is returned home.

The North Vietnamese and the Vietcong have indicated that once a date is set for total withdrawal they will begin to release the prisoners. The families of the POW's and MIA's have urged passage of such set withdrawal date legislation in an effort to bring their sons or husbands or brothers home.

If the North Vietnamese and the Vietcong are not true to their word, then we can stop the withdrawal and reescalate if necessary to assure the freedom of American prisoners. This amendment provides for that. If we are committed to exploring every possibility to end the war and free our prisoners of war then this amendment deserves passage.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, there may be some of you sitting in this body who are thinking of voting for this amendment, in an effort to gain favor with those who want to set a deadline for withdrawal from Vietnam. At the same time, you may be thinking that the amendment will not pass, in any event, and therefore you won't have to stand trial for being guilty of prolonging the war and complicating the release of our POW's. Just remember, with your help, the amendment may pass, then where will you be when the deadline arrives, we have lost our bargaining position, we have weakened our forces too much, the enemy attacks in force and takes over South Vietnam. I think now of your answer, to the families of the POW/MIA people who oppose this amendment. What will your answer be to those who thought you wanted to end the war, effect the release of our POW's, and assure that those who died to help a small nation remain free, did not die in vain?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, an analysis of the elements in the latest Communist peace proposal, the seven-point demands of July 1, 1971, I think demonstrates that it is a complete illusion to believe only some single unilateral U.S. act of renunciation stands in the way of peace. Instead it can be seen that the Communists are continuing to present a series of demands which, though sugar coated, represent nothing less than a demand for total allied surrender to all of the other side's conditions and acquiescence to their desire to take over South Vietnam as well as a demand that the United States be held responsible for the complete rebuilding of North Vietnam after we quit.

At this point, Mr. Chairman, I would like to address myself to the question of Hanoi's position on the negotiations which heretofore has not been discussed in this debate. I think it will shed some perspective on the question of whether or not the Boland-Mansfield amendment will accomplish our goals by simply setting a date.

THE VIETNAM NEGOTIATIONS AND THE NLF'S SEVEN POINTS

The seven points announced by the national liberation front—NLF—on July 1, 1971, while at first glance appear to show some signs of flexibility, in fact constitute a set of preconditions and exceptionally hardline unilateral demands.

In sum, the seven points do not soften the previous Communist demands, do not permit any Allied assistance to the South Vietnamese Government, do not pledge the release of American POW's, do not propose a general cease-fire, do not accept the Government of Vietnam as a party to negotiations, and do not accept the principle of effective international verification. They reflect no reciprocity by the Communist side in exchange for Allied submission to these demands or for the extensive proposals and steps toward peace already taken by the Allies.

I. THE SEVEN POINTS IN THE CONTEXT OF ALLIED PEACE PROPOSALS AND THE NEGOTIATIONS

The NLF's seven-point demands of July 1, 1971, must be viewed in the context of the negotiation record of the last 2 to 3 years. This record includes comprehensive U.S. and South Vietnamese peace offers, unilateral Allied concessions, and a series of broken promises by Hanoi:

U.S. PEACE PROPOSALS

Building upon his earlier peace proposal of May 14, 1969, President Nixon on October 7, 1970, offered a comprehensive proposal for a just peace in Indochina calling for:

An immediate, and internationally supervised cease-fire in place throughout Indochina;

The establishment of an Indochina Peace Conference;

Negotiation of an agreed timetable for complete withdrawal of all non-South Vietnamese forces from South Vietnam;

A fair political settlement reflecting the will of the South Vietnamese people and involving all of the political forces in South Vietnam;

The immediate and unconditional release of all prisoners of war by all sides.

In addition to the above proposals, the United States has supported the Government of South Vietnam's proposals of July 11, 1969, and October 8, 1970, calling for free elections in which all people and parties of South Vietnam, including the NLF can participate, and for mixed electoral and supervisory commissions in which all parties, including the NLF, could be represented.

U.S. STEPS TOWARD PEACE

The U.S. Government has done virtually everything that various parties, including Hanoi's leaders and many American critics, said would kindle negotiations. These steps include:

A halt, in 1968, to the bombing of North Vietnam. This was done though North Vietnam supplies all of the weapons and war materiel and almost all of the troops and cadres for the wars it is directing across its borders against South Vietnam, Laos and Cambodia;

Agreement to let the NLF participate at the Paris talks;

Agreement on the principle of total U.S. troop withdrawals on the basis of reciprocal North Vietnamese withdrawals;

Appointment of a new senior negotiator in Paris;

Unilateral troop withdrawals totalling 360,000 men by December 1971, or more than two-thirds of the total of U.S. forces in Vietnam in January 1969 when President Nixon took office.

COMMUNIST INTRANSIGENCE

The above Allied proposals and steps were made not only to reduce U.S. involvement but also to open the door to serious negotiations. But although each of these actions was urged by the Communist side or by responsible third parties, all have been rejected and none have generated any reciprocal movement by Hanoi or the Front.

Regrettably the Communist leaders have remained intransigent and have continued to press their attacks on their neighbors in violation of Accords signed by the Hanoi regime.

They continued to demand a deadline for total unilateral U.S. withdrawal, dismantling of bases, termination of all assistance, payment of reparations, prior removal of the Government of South Vietnam and the imposition of a pro-NLF government as preconditions for substantive discussions.

At the same time the Communist side has rejected a general cease-fire, commonly accepted international standards of POW treatment, and any type of international verification.

II. THE "SEVEN POINTS"

THE PREAMBLE

The preamble to the "seven points" states that the NLF is "basing itself" on its previous "10 point" statement of May 8, 1969, its "eight point" statement of September 17, 1970 and its "three point" statement of December 10, 1970. The NLF's "ten point" statement in turn explicitly bases itself on the NLF's "five point" statement of March 1965 and on the DRV's—North Vietnam—"four point"* statement of April 1965.

The "seven points" are thus directly linked to the NLF's and Hanoi's earlier preconditions and demands. In some respects the "7 Points" take an even harder position than earlier demands.

UNILATERAL DEADLINE DEMANDS

Point 1 repeats the Communists' standard set of far-reaching demands. These demands are unilateral and unconditional. Specifically:

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of Vietnamization of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materiel of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases

*NOTE: Hanoi's "four points" of April 1965 included as point three the demand that: "The internal affairs of South Vietnam must be settled . . . in accordance with the program of the NFLSV without any foreign interference." Further, the "Four Points" declared that: "any approach contrary to the above-mentioned stand is inappropriate, any approach tending to secure a United Nations intervention is also inappropriate. . . ."

in South Vietnam, without posing any condition whatsoever.

The deadline is set at December 31, 1971.

Subsequent elaborating statements by official NLF and DRV spokesmen, have made clear that these demands extend to all forms of Allied military and economic assistance, specialists, funds, and so forth.

Since the Communists talked of a U.S. "war of aggression" long before U.S. combat troops were sent to Vietnam in 1965 in response to the prior intervention of North Vietnam's regular army, this reference could mean that the South Vietnamese forces must unilaterally stop fighting. However, the "seven points" stipulate the formation of a pro-NLF coalition government as a precondition for a cease-fire with the South Vietnamese forces.

It should be noted that the "seven point" demands are unabashedly unilateral and are notably silent on the critical question of North Vietnam's role in leading and supporting the Communist forces in South Vietnam.

The "seven points" include no mention or pledge concerning reciprocal troop withdrawals or termination of assistance by North Vietnamese armed forces fighting in South Vietnam—90,000 troops—and are silent on the related issues of large North Vietnamese military forces in Cambodia—50,000 troops—and in Laos—90,000 troops.

NO PLEDGE ON PRISONER OF WAR RELEASE

The "seven points" do not pledge a release of the prisoners of war held by the Communist side.

Point 1 indicates that after the United States has committed itself to a December 31, 1971, terminal date for any form of U.S. and allied troop presence and assistance and to the dismantling of their military bases, an agreement could follow among various—unspecified—parties, concerning the modalities of a partial cease-fire and a POW release.

Specifically, point 1 says about the POW's that if all of the Communist demands are met:

"The parties will at the same time agree on the modalities—of the release of the totality of military men and of the civilians captured in the war—including American pilots captured in North Vietnam".

In effect, this is a variation of previous Communist proposals to "discuss" the POW question if the United States met the demands for a unilateral deadline for troop presence, assistance, and so forth. Obviously, discussions must precede any agreement on modalities. But there are a number of uncertainties and far-reaching demands in the "seven points" statement which would make such discussions extremely difficult and not likely to be productive of an agreement.

It is unclear which parties would be involved or bound by any POW agreement.

Point 2 indicates that the Government of Vietnam would not be a party acceptable to the NLF and could play no role in the negotiations. Furthermore, point 2 does not mention North Vietnam as a party to the POW negotiations and thus Hanoi would not be bound by the NLF's "seven points" or by any resulting agreement on POW's.

Also left unclear is the fate of men held prisoner or missing in Laos, Cambodia, and South Vietnam. In contrast with the South Vietnamese and in violation of the internationally accepted Geneva Convention on POW's signed by North Vietnam, the North Vietnamese and their Communist allies in South Vietnam, Cambodia, and Laos, have refused complete POW lists or to permit inspections by neutral observers for areas under their control.

The United States, third countries, and media representatives have repeatedly sought to obtain clarification on the above questions from NLF and DRV spokesmen. The Communist side, however, has refused to give any clarification. Furthermore, the Communist spokesmen have repudiated the speculations of a number of people who have claimed flexibility for the Communist position.

In sum, after the United States had publicly committed itself to a total, unconditional, and unilateral withdrawal date, terminating its troop presence and any assistance, and so forth, it might well prove to be the case that no agreement on POW release or the other vital issues would in fact be reached during the discussion of modalities. In that case, the Communists would have conceded absolutely nothing, but the United States would have fallen for a ransom demand and would have unilaterally surrendered its major bargaining chip.

CEASE-FIRE

The Communist side has totally rejected the October 7, 1970, proposals of the Governments of the United States and South Vietnam calling for an immediate and internationally verified cease-fire in place throughout Indochina.

The NLF's "seven points" provide—in point 1—not for a cease-fire, but only for discussion of modalities. Furthermore, the NLF proposes to discuss only a limited two-stage cease-fire in South Vietnam, one not involving North Vietnamese forces or international verification.

Point 1 mentions as parties to a first-stage cease-fire—following a U.S. pledge for unilateral withdrawal of its troops and assistance—only the troops of the NLF and the United States, not those of either North or South Vietnam.

Point 2 indicates that a cease-fire between the NLF's forces and the South Vietnamese forces would occur only after a new pro-NLF government was formed in South Vietnam.

The "seven points" fails to mention the presence or future role of the North Vietnamese forces—90,000 troops—in South Vietnam. They thus purposely omit a factor of major importance to Vietnam's future and to any negotiations. This relieves the North Vietnamese of any binding obligations vis-a-vis a cease-fire, troop withdrawals, guarantees, and so forth.

Via the preamble's link to Hanoi's "four points," the NLF's "seven points" firmly reject the notion of United Nations or similar verification of any cease-fire as "foreign interference."

"PARTIES" TO THE AGREEMENT—A NEW GOVERNMENT

The NLF continues to reject the July 11, 1969 proposals of the Government of Vietnam to enter negotiations for joint electoral commissions and general elections in South Vietnam to include the NLF, with modalities and verification procedures to be worked out between representatives of the NLF and the Government of Vietnam.

Instead, the "seven points"—in point two—set as a precondition for discussions the prior overthrow of the leadership of the Government of Vietnam—described as the "group headed by Nguyen Van Thieu—and demand the imposition of a "three-segment" provisional government of "national concord."

These "three-segments" have been officially defined in the NLF's "eight point" proposal of September 17, 1970, and subsequently, as a "coalition" government consisting of: First, members of the NLF's own "Provisional Revolutionary Government," second, members of the current Government of Vietnam "genuinely," standing for peace, neutrality, independence and democracy" (as defined by the NLF), and third, other elements meeting the NLF's criteria.

In effect, the NLF proposes to nominate one-third and to veto two-thirds of a new government. This new government would thus by definition be pro-NLF.

At the same time, the new pro-NLF government would apparently constitute the NLF-approved "party" mentioned in the other points. It is this new government which would represent South Vietnam in any discussions and negotiations on such critical issues as troop withdrawals, cease-fires, POW releases, elections, reparations, and guarantees.

It should be noted that the NLF has described the chief element and "vanguard core" of its "front," as being the People's Revolutionary Party—PRP—a self-proclaimed hardline Marxist-Leninist party formed in Hanoi in 1962.

The PRP forms the southern wing of North Vietnam's only political party, the Lao Dong—Communist—Party.

Interestingly, Hanoi describes its "peoples' dictatorship" in North Vietnam as a "Lien Hiep" or "coalition" of "national concord."

To the Vietnamese nationalists, both Southern and Northern, the formation of a "coalition" with the Communists is particularly odious. They well remember how Ho Chi Minh's Communist Party liquidated Vietnam's short-lived seven-party coalition in 1946 and how, in North Vietnam in the midfifties, it established a Stalinist regime and killed and imprisoned the nationalists and neutralists in the Viet Minh "Front."

CIVILIAN PRISONERS—CHOICE OF RESIDENCE

Unlike previous proposals, the "seven points"—in point 1—call for the Government of Vietnam unilaterally to release all civilian prisoners captured during the war.

By indiscriminately releasing all Vietcong political cadres, terrorists, and so forth, the South Vietnamese would thus be required to provide massive reinforcement to the Communist apparatus during a critical period.

The NLF's demand is unilateral. It does not require any pledge to be given by those released and it is silent on urging releases from North Vietnam's extensive prison system which, according to official North Vietnamese media, is filled with "counterrevolutionaries," "defeatists," and "romantics."

In another new demand, the "seven points"—in point 4—call for "a free choice of residence" and for "free movement" vis-a-vis North and South Vietnam.

This demand appears aimed at preventing the forced repatriation to North Vietnam of the 8,000 North Vietnamese POW's held in South Vietnam. If released and maintained in South Vietnam, these troops would provide the equivalent of a division of readily available troop reinforcements for the Communists.

Earlier this year the Government of Vietnam and the International Red Cross sought to return sick and wounded North Vietnamese POW's to North Vietnam on a voluntary basis. The POW's, however, were threatened by their cadres in the camps to resist and reject repatriation in part, no doubt, from fear of retaliation on their families in North Vietnam.

Past experience indicates that the Communists would under no circumstances actually tolerate the free movement of civilians away from areas under their control. According to the testimony of members of the International Control Commission and other neutral observers, for example, the Hanoi regime in 1954 sought to block the southward flow of refugees—800,000 escaped—and to circumscribe the access and activities of the ICC. Furthermore, the Hanoi regime tightly controls all travel in North Vietnam, via a system of internal passports and cadre checkpoints.

The "free movement" provision is probably aimed at legitimizing the movement of additional Communist political cadres and troops from North to South Vietnam.

REPARATIONS

Point 6 demands that the United States assume the full and sole responsibility for war damage in North Vietnam and in South Vietnam.

This is tantamount to unilaterally placing total responsibility for the war on the United States.

This demand totally neglects the record of North Vietnam's massive and illegal troop presence and terror attacks across its internationally recognized borders in the sovereign states of South Vietnam, Laos and Cambodia.

FUTURE INTERNATIONAL STATUS AND GUARANTEES

The "seven points" state—in points 3 to 7—that the "question of North Vietnamese armed forces in South Vietnam" and the issues of future reunification and international status will be settled in a spirit of "national concord" by "qualified representatives of the Vietnamese people in the two zones" on the basis of "mutual interests and mutual assistance," and "without foreign interference." These carefully selected formulations in practice would clearly preclude any non-Communist elements, options, or guarantees.

All references to agreements between the two Vietnamese "zones" or "parties" concerning cease-fires, troop dispositions, prisoner releases, free movement, foreign aid, reparations, and international guarantees are vitiated by such formulations in the context of the full range of demands in the "seven points" and the past performance record of the Hanoi regime.

As indicated in point two, the prospective South Vietnamese government foreseen in the "seven points" is the pro-NLF "three-segment" government. In the presence of the North Vietnamese cadres and army and via the Front's "People's Revolutionary Party," this new government could readily be absorbed into the regime of North Vietnam's Communist Party.

The "seven points" vigorous rejection of any "foreign interference" and the preamble's connection with Hanoi's "four points" formulation, specifically excludes any United Nations or similar international verification machinery and in effect guarantees that the South Vietnamese will be governed "in accordance with the program" of the NLF as demanded in point 3 of Hanoi's "four points."

III. CONCLUSION

It is apparent if one looks at the record of what both sides have done to bring about a responsible settlement, that the comprehensive Allied proposals and the important unilateral Allied steps toward peace remain unmatched by the Communist side, which instead continues its attacks and its unliteral demands.

An analysis of elements in the latest Communist "seven point" demands of July 1, 1971, demonstrates that it is an illusion to believe that only some single unilateral U.S. act of renunciation stands in the way of peace. Instead it can be seen that the Communists are continuing to present a series of demands which, though sometimes sugar coated, represent nothing less than a demand for total Allied surrender to all of the other side's conditions and acquiesence in Hanoi's takeover of South Vietnam, as well as a demand that the United States be held responsible for rebuilding North Vietnam.

Acceptance of the Communists' demand for a unilateral and unconditional date terminating U.S. troop presence and U.S. assistance in South Vietnam—and Southeast Asia—is clearly not an appropriate means to speed an end to the war and is prejudicial to the delicate diplomatic situation resulting from the continuing U.S. reduction of its military role.

In this situation, no legislative solution can be sufficiently flexible to accommodate the range of diplomatic and military issues and contingencies. It would reward Communist intransigence and would remove any inducement to the other side to negotiate seriously. Moreover, such legislation poses serious practical and constitutional problems.

The United States continues to hope that the Communist leaders will take meaningful steps toward peace and will recognize the desirability of concluding the war through serious negotiations based on reciprocity rather than prolonged combat.

The United States continues to believe that the allied policy of seeking a responsible negotiated settlement and of withdrawing U.S. forces as the South Vietnamese become more capable of assuming the burden of their own defense, together with the President's statement that all U.S. forces will not be withdrawn until all U.S. prisoners of war are released, provides the best prospect of bringing all our men, in prison or in the field, out of Vietnam and in a way that gives the South Vietnamese a reasonable chance to defend themselves.

At this point, Mr. Chairman, I would like to direct the attention of my colleagues to an article in the New York Times including the text of the so-called Vietcong peace proposal.

[From the New York Times, July 2, 1971]

THE "SEVEN POINTS"—TEXT OF THE VIETCONG PEACE PROPOSAL

PARIS, July 1 (Reuters)—Following is the text of the Vietcong's seven-point peace proposal presented at today's session of the Vietnam peace talks:

1. Regarding the deadline for the total withdrawal of U.S. forces.

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materials of the United States and of the other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

The U.S. Government must set a terminal date for the withdrawal from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

If the U.S. Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces and those of the other foreign countries in the U.S. camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

Those two operations will begin on the same date and will end on the same date.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the United States and of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp.

2. Regarding the question of power in South Vietnam.

The United States Government must really respect the South Vietnam people's right to self-determination, put an end to its interference in the internal affairs of South Vietnam, cease backing the bellicose group headed by Nguyen Van Thieu, at present in office in Saigon, and stop all maneuvers, including tricks on elections, aimed at maintaining the puppet Nguyen Van Thieu.

The political, social and religious forces in South Vietnam aspiring to peace and national concord will use various means to form in Saigon a new administration favoring peace, independence, neutrality and democracy.

The Provisional Revolutionary Government of the Republic of South Vietnam will immediately enter into talks with that administration in order to settle the following questions:

A. To form a broad three-segment government of national concord that will assume its functions during the period between the restoration of peace and the holding of general elections and organize general elections in South Vietnam.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the Saigon administration as soon as the government of national concord is formed.

B. To take concrete measures with the required guarantees so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other party, to ensure every democratic liberty to the South Vietnam people, to release all persons jailed for political reasons, to dissolve all concentration camps and to liquidate all forms of constraint and coercion so as to permit the people to return to their native places in complete freedom and to freely engage in their occupations.

C. To see that the people's conditions of living are stabilized and gradually improved, to create conditions allowing everyone to contribute his talents and efforts to heal the war wounds and rebuild the country.

D. To agree on measures to be taken to ensure the holding of genuinely free, democratic, and fair general elections in South Vietnam.

3. Regarding the question of Vietnamese armed forces in South Vietnam.

The Vietnamese parties will together settle the question of Vietnamese armed forces in South Vietnam in a spirit of national concord equality, and mutual respect, without foreign interference, in accordance with the postwar situation and with a view to making lighter the people's contributions.

4. Regarding the peaceful reunification of Vietnam and the relations between the North and South zones.

A. The reunification of Vietnam will be achieved step by step by peaceful means, on the basis of discussions and agreements between the two zones, without constraint and annexation from either party, without foreign interference.

Pending the reunification of the country, the North and the South zones will reestablish normal relations, guarantee free movement, free correspondence, free choice of residence, and maintain economic and cultural relations on the principle of mutual interests and mutual assistance.

All questions concerning the two zones will be settled by qualified representatives of the Vietnamese people in the two zones on the basis of negotiations, without foreign interference.

B. In keeping with the provisions of the 1954 Geneva agreements on Vietnam, in the present temporary partition of the country into two zones, the North and the South zones of Vietnam will refrain from joining any military alliance with foreign countries, from allowing any foreign country to have military bases, troops, and military personnel on their soil, and from recognizing the protection of any country, of any military alliance or bloc.

5. Regarding the foreign policy of peace and neutrality of South Vietnam.

South Vietnam will pursue a foreign policy of peace and neutrality, establish relations with all countries regardless of their political and social regime, in accordance with the five principles of peaceful coexistence, maintain economic and cultural relations with all countries, accept the cooperation and economic and cultural relations with all countries, accept the cooperation of foreign countries in the exportation of the resources of South Vietnam, accept from any country economic and technical aid without any political conditions attached, and participate in regional plans of economic cooperation.

On the basis of these principles, after the end of the war, South Vietnam and the United States will establish relations in the political, economic and cultural fields.

6. Regarding the damages caused by the United States to the Vietnamese people in the two zones.

The U.S. Government must bear full responsibility for the losses and the destructions it has caused to the Vietnamese people in the two zones.

7. Regarding the respect and the international guarantee of the accords that will be concluded.

The parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, this amendment ought to be known as the "put up or shut up amendment." Hanoi has said that if we fix a date certain for our troop withdrawal they are willing to release our prisoners of war and agree to a cease-fire.

This amendment does set that time and if, indeed, our prisoners are not released by June 1, all bets are off.

This amendment does give us for the first time an opportunity to say to Hanoi: "put up or shut up." If our prisoners are not released by June 1, then we will take another course of action after June 1.

Mr. Chairman, I have listened to those who have opposed this amendment in the past. This time let us do it our way and if we cannot bring this tragic war to an end, we have nothing to lose in trying to force Hanoi into a release of our prisoners by adopting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, during the 7 years since President Johnson's first supplemental appropriation bill to finance the war in Vietnam came to the House on May 5, 1965, I have time and again taken the floor of the House to urge that the Congress assume its responsibilities and use the appropriation process, by exercising its power over the purse, to bring the death and destruction in Southeast Asia to an end. Through two administrations the Congress has acquiesced in, and sanctioned, this undeclared, dead-end war by voting the appropriations necessary to conduct it.

The American people have now rejected the war and are looking to the Congress to assume its responsibility and set a final termination date since it is obvious that the President has no intention of doing so.

The Boland amendment offers an opportunity for the House to set a fixed date—June 1, 1972—by prohibiting use of any funds in this defense appropriation bill for fiscal year 1972, "to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972," subject to the release of all American prisoners of war and an accounting of all Americans missing in action.

As the Members of the House well know, I do not believe the war should continue for 1 minute more, and I would prefer an immediate cutoff of funds—an action which I have urged the Congress to take for 7 long years. However, the least the House can do, if it is to pay a modicum of respect to public opinion in this country, is to accept the Mansfield amendment which the Senate adopted as an amendment to the Military Procurement Act but which was modified in conference.

Title VI of the Military Procurement Act signed into law today by President Nixon establishes as national policy the termination of all U.S. military operations in Indochina at the earliest practicable date, and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for the Americans missing in action.

The Boland amendment would restore the critically important specific deadline, which was deleted from the original Mansfield amendment in conference. It would provide the vehicle for implementing what is now national policy by setting the date certain as June 1, 1972. It is essential that a termination date be set by Congress, especially in view of the reported declaration by the President today that he will ignore the Mansfield language in the Military Procurement Act.

All the illusions of Vietnam have been shattered. All that now remains are the stark realities of a brutal and senseless war.

For a decade this Nation has sent her young men to die in Asia. The price from this tragic venture has been incalculably high: in terms of lives lost and bloodshed, in terms of opportunities missed and treasure squandered, in terms of the disaffection of our young, and the polarization of our society.

The administration's vaunted Vietnamization policy has not brought peace, but continued death and destruction. It contemplates South Vietnamese armed forces pursuing a military victory sustained by American air and logistical support.

The President's announcement last week that 45,000 troops would be withdrawn during January and February did not change anything. The distinguished chairman of the Committee on Appropriations has stated that the President obviously has a negotiating plan which he should be free to follow. That is reminiscent of candidate Nixon's 1968 campaign statement that he had a secret plan to end the war. The President has had 3 years to reveal it, but the only known element in it is the plan to maintain a U.S. residual force in Vietnam as long as necessary to prop up the present Saigon regime.

It has been argued that adoption of the Boland amendment would force us to "relinquish our prime position of power," making it impossible to leave Vietnam with honor. That refrain has been heard too often over the past 7 years. How many more American and Vietnamese lives are to be lost—how

many more villages are to be destroyed—how many more billions of dollars are to be dissipated—while the administration wages war in the name of peace with honor?

The answer rests with the House of Representatives today, for the Boland amendment offers the Congress of the United States the opportunity to live up to its responsibility by exercising the only power it has to end the war. It offers us the opportunity to give peace a chance. Let us seize it now.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. DEVINE).

(By unanimous consent, Mr. MYERS yielded his time to Mr. DEVINE.)

Mr. DEVINE. Mr. Chairman, one gets sick and tired of hearing the same old political speeches, the same old retread speeches and accusations about who is responsible for the war in Vietnam. However, I will say to the members of the committee that President Nixon is the only President of the last four to turn this thing around. During Eisenhower's administration there were some 750 advisers, then during the administration of the late President Kennedy he started a multi-thousand-man buildup of American combat troops in Vietnam which reached a crest when Mr. Johnson was President. The number of U.S. troops in Vietnam rose to over 540,000 during L. B. J.'s administration. Yet, today, under the Nixon plan and direction of President Nixon, 80 percent or over 400,000 of our troops are out of there. Casualties have been reduced from 300 a week to less than 10 a week.

Mr. Chairman, the Vietnamization policies are working, the Nixon doctrine is working and now all of these people whom we have heard speak in support of this amendment are scrambling to get on the bandwagon in order to say that they did it and that the war is over because they belatedly set a date of cutoff. Ridiculous.

I predict that in the 1972 campaign Vietnam will not be an issue, because Vietnamization is working and U.S. troops are being withdrawn at a faster rate than anticipated.

Mr. Chairman, I talked to the President as late as yesterday about the prisoners of war. He cannot reveal to everyone—all negotiations that are being made, through a number of avenues, but he is making every effort to secure the release of our prisoners of war, and that is one of the crucial areas involved here. He is constantly working on it and the Vietnamization policy; and let us give that policy an opportunity to work, without tieing the hands of the President.

If it wasn't so serious, it would be laughable to record the gyrations and reverse gymnastics of some of our colleagues who manage to place themselves on both sides of an issue. Now that President Nixon has established the success of his Vietnamization and is truly winding up the war, the boys are not only scurrying to get on the bandwagon, but are even trying to twist history around in an effort to claim credit. If they established a date certain, they would then claim they forced the President to end the war, which he already accomplished. It is high time to forget politics and demagoguery and act responsibility in the interest of our country and ultimately a generation of peace. Let us defeat the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I oppose the Boland amendment for good and sufficient reasons. This amendment is so far reaching that every Member should provide a clear explanation for his vote, whether it be in support or opposition.

The first thing that must be made clear beyond any doubt is that a vote against the Boland amendment is not a vote for the war, or a vote to prolong the war. Twice, the House has approved the so-called Mansfield amendment to end the war in Southeast Asia at the earliest practicable date. That amendment permitted an orderly withdrawal. The adoption of this amendment today could even slow the rate of withdrawal. Even worse than slowing orderly withdrawal, this action could even stop the present rate of withdrawal until our military leadership could develop adequate alternatives to the present schedule in the knowledge there will no longer be a shield for orderly withdrawal but an irrevocable and arbitrary date certain on June 1, 1972.

Nearly all of us have come to realize that either the war was wrong, or at least we have fought this war in the wrong way. But at this point in time what should we do? What is the best course left to take? In the debate someone described this amendment as the roughest and hardest way of imposing the will of the Congress on our President. If we recognize that the President is the Commander in Chief of our military forces and if he insists it is a wise course to maintain a residual force, then this amendment would not only cut off the pay of our men in such residual forces, it would cut off their logistics, including food, and even take away the transportation to bring them home after June 1, 1972. Abraham Lincoln, as a Member of the House in the 30th Congress in 1847, was an outspoken opponent of the Mexican war but he refused to vote to cut off money for our troops in the field.

The true facts are that the President has reduced the troop level through the process of Vietnamization from 540,000 to 180,000. As I read the amendment it would become an obstacle to the success of Vietnamization because the words, "military support operations by the United States forces in South Vietnam" would include the training of South Vietnamese forces in Vietnam. Does the author of this amendment propose that we stop training the South Vietnamese to take over the war and thus protect their country against the forces of the North? If the amendment prevails, the only way we could train the South Vietnamese allies would be to transport them to some place other than South Vietnam, such as Laos or Cambodia for training. Does the author suggest we go through the expensive process of transporting our South Vietnamese allies to Hawaii or the mainland for training and then bear the expense of returning them to their homeland?

Anything that the Congress does at this time should serve the best interest of peace or to end the war. If we expect to be fair we must agree that 90 percent of our troops will have been out of Vietnam before the date imposed by the amendment. But to cut off all funds at an arbitrary date risks some grave consequences. No doubt the time is long past when we can achieve a military victory, but somehow, some way, we must still try for an honorable conclusion to the war. At the very least we should not agree to an amendment that will disregard all the sacrifices of all those who have given their lives or been wounded and agree to a course that would completely abandon any effort for some kind of benefit from all the sacrifices.

If we indulge in this precipitous action today then all of our losses and sacrifices will have been in vain. It means we are completely throwing away any chance for an honorable settlement. If this amendment should be adopted we tie the President's hands at a most critical time. It means not only that his power to negotiate with Hanoi is gone. It means that hereafter he cannot speak with any authority on his visit to either Peking or Moscow. We have been pursuing a phased withdrawal. The war is near an end. Casualties are down to a minimum. Of couse, even four or five a week are too many. But the hard fact is if withdrawal is to continue there must be some kind of a shield to permit that withdrawal. The Boland amendment would undercut the entire withdrawal process. If the word goes out to the world that this body joined by the other body acts to cut off all funds on June 1, 1972, it would mean immediate chaos in South Vietnam. There no longer would be any shield for withdrawal. All the past efforts toward negotiations would be torpedoed and sunk.

But if we defeat this amendment then we retain our options. We do have some alternatives left. There remains the chance for the success of the visits to Peking and Moscow. We should not foreclose these chances by our action today. If we proceed to approve this amendment we tie the hands of our President.

For the Congress to try to stop the war by this arbitrary precipitous action is just not the way to handle foreign policy. There are those who would say the rate of withdrawal is too slow. By recent pronouncement the President says withdrawal will be determined by four factors: first, the level of enemy action; second, the progress of Vietnamization; third, the progress of release of our prisoners of war and fourth, agreement by the enemy to a cease fire in all of Southeast Asia.

Mr. Chairman, I have read the wording of the Boland amendment very carefully. The effective portion of the amendment starts out with the words, "subject to release of all American prisoners and an accounting of all Americans missing in action." In other words that portion of the amendment which says none of the funds appropriated in this act should be used after June 1,

1972, is all subject to release of our American prisoners and our Americans missing in action. In my judgment to say these two categories will ever be accomplished is optimism that is not justified. To the enemy our prisoners of war are not regarded as we regard their prisoners. Our men are regarded as criminals. In my opinion, if they are ever returned it will be by ransom. But as I read it, for this amendment to have any meaning the enemy must account for all of our missing in action. In my judgment such a requirement makes the amendment meaningless. We must either rely upon their word—which up to now has been worthless—or else insist upon a really strict accounting for all the missing. If we demand this strict accounting before the cut-off date can be effective then a cut off date might never arrive. For those who refuse to rely on the word of the enemy, or for those who believe the cut-off date is subject to a strict accounting, there is only one course to take and that is to vote against this amendment as meaningless.

No, a vote against the Boland amendment is not a vote to continue the war. It is not a vote to prolong the war. All of us want this war ended. Equally important, we want to be sure that there cannot be another Vietnam. We all want to make it impossible to drift into such a war again, step by step, as we did in Southeast Asia.

Mr. Chairman, that is why a little while ago I supported the so-called Yates amendment which, under H.R. 11731, would not permit the President to substantially increase troop levels or troop strength. I supported the amendment of the gentleman from Illinois because it provides that after 60 days following an acceleration of total troop strength, there would be no further expenditures of appropriations for such troop increases without obtaining the approval of the Congress. In different words, this means that if there is any indication of any kind that we are drifting into another Vietnam war, we will be able to face the issue very early. This amendment would require the President to come before the Congress and explain his reasons for increasing troop levels before any appropriations would be available. I supported this amendment because it could prevent an easy drift into another Vietnam. Although it failed by a small margin on our side of the Congress, I hope it may be added to this defense appropriation bill by the other body.

I hope there may not be any who vote for this amendment but hope it will not pass. That kind of thinking is a dangerous course because with a recorded teller count it is most difficult to know the course of a vote until the final tally is announced by the tellers. Someone said this amendment should probably be tagged the "put up or shut up" amendment. Others have been less complimentary and described it as the "bug out" amendment. Without passing judgment on which is more accurate, certainly this amendment would change the course of orderly or phased withdrawal or a "walkout" to the precipitous, arbitrary, and shieldless kind of withdrawal that could become a "run out."

I cannot subscribe to the argument of those who say the withdrawal schedule announced by the President is nothing more than a holding action to get him through the Peking visit. On the other hand the passage of this amendment would leave him with no bargaining power at Peking. But if the President should fail at Peking and if we defeat this amendment our Chief Executive has the remaining negotiating course to open our own bilateral or private negotiations with Hanoi in Paris.

All the foregoing options are thrown away if we pass the proposed amendment today. In just a few words, the approval of this amendment means that we hand to the enemy a victory that they were never able to achieve on the battlefield.

(By unanimous consent, Mr. RANDALL yielded his remaining time to Mr. WAGGONNER.)

Mr. WAGGONNER. Mr. Chairman and Members of the House, I think we are all agreed on one point. That is, that we want to get out of Vietnam as quickly as we possibly can.

Further, I think we agree that in retrospect especially in view of the fact that we have never tried to win, that it was a mistake to get involved in Vietnam as we have. However, where we differ is how do we get out and over the long-period of time serve the best interests of the United States? This is the crux of the matter we are discussing here today.

The gentleman from Georgia (Mr. FLYNT) earlier said to you when he addressed the Committee of the Whole House on the State of the Union—and I think I remember what he said—that he believed that the President had already reached an agreement with regard to the release of the prisoners of war. My friends of the House, I do not believe this is so.

I do not believe that he has any reason to even speculate as to that whim, because I do not believe that the President of the United States would perpetrate such a hoax upon the people of this country so as to withhold that information from those who have relatives who are prisoners of war or on those who have relatives who are missing in action.

Further, there is something else that we ought to consider that the gentleman from Georgia (Mr. FLYNT) said. He said that he would not support again any appropriations for the military under certain conditions, and he said he would not support appropriations for the military as long as we supported a regime which allowed only one name on the ballot. Who ever heard of a Communist nation having two names on the ballot? Big Minh and Ky could have run if they had chosen to, but they were afraid they would get beaten. They insisted they would only run in a three man race. To my knowledge I cannot recall even a ballot in Red China. But I agree it would have been better if others had run from an ideal point of view.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I have listened to the very appealing and emotional speeches of the gentleman from Indiana, the gentleman from New York, and the gentleman from Maryland, about their sons who once served in Vietnam. I think the sons should be permitted to speak for themselves; their views may be different from their father's. I would not presume to speak for my son, but I am willing to support any son in Vietnam, as I, and we, have supported their sons while they were in Vietnam, so I would hope that they would vote with me to support my son, who is serving in Vietnam now along with 139,000 other sons in Vietnam now.

This is not a "hard and tough" decision for us now. It would have been "hard and tough" in 1968 or 1969—when other sons were in Vietnam—some involuntarily—but it is easy now if our objective is to get one-up on the President who is systematically ending the war. It is easy if our objective is to garner some of the credit to which the President is entitled. It is "hard and tough"—even incredible—if our objective is to achieve peace as soon as practicable and to secure the release of all our POW's and obtain an accounting of our MIA's. We owe them and their families a great responsibility. We must keep our commitments to them. We should vote "no" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, there has been a lot of talk here this afternoon about whose responsibility the termination of this war is, the Executive's responsibility or the responsibility of the Congress. I think it is crystal clear under the Constitution it is our responsibility, and I hope that this afternoon we exercise that responsibility by adopting the Boland amendment.

The overconcentration of power in the single office of the President has resulted in a constitutional imbalance, with one man holding nearly absolute power in matters of war and peace, life and death. The time to reassert congressional prerogatives and restore balanced constitutional government is now.

Article I, section 8 of the Constitution gives Congress 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 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.

It is clear from the language of the Constitution that the war power is vested almost entirely in the Congress. That this was the intention 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.

It is important to note that the Framers wrote with the benefit of considerable hindsight regarding contests between English kings and the Parliament over war powers. It is most relevant that Parliament had successfully employed its power of the purse to prevent and halt royal adventures abroad. In fact, a legislative forerunner of the amendment before us today was passed in 1678, when Parliament specified that the Army of Charles in Flanders be disbanded by a certain date. The Framers clearly intended that the Congress should have at least that much power, and they bestowed more power on this body by requiring congressional action to initiate war as well as providing for congressional action to stop it.

Another manifestation of the Framers' intention that Congress exercise the power of the purse with special care on matters relating to military operations can be seen in the constitutional provision—article I, section 8, item 12—binding us to review all funds for military operations every 2 years. Although it is our practice to appropriate every year for all Government activities and programs, there is nothing in the Constitution that requires such a procedure except in the case of funding for the Armed Forces, in which case the requirement is for a biennial review. Theoretically, we could appropriate for all other programs every 10 or every 100 years, but the Framers singled out military appropriations for a special 2-year limitation.

Alexander Hamilton described the meaning of that limitation in Federalist No. 26:

The legislature of the United States will be obliged, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense on the matter, by a formal vote in the face of their constituencies.

The provision protects—and I think was intended to protect—the Nation against the indefinite commitment of American Forces or American military operations without systematic congressional review at least once every 2 years. We in the Congress have an express duty to provide review and control, and there is no way we can surrender that power to the President or anyone else without violating the Constitution.

It is time for the Congress to reassert our constitutional authority and not allow the President to be chief of police, district attorney, judge, and jury in foreign affairs. It is the purpose of our system of separation of powers to bring a balanced judgment to the issues we face. The American people deserve that; our Constitution requires it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

(By unanimous consent, Mr. HALL yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

(By unanimous consent, Mr. SEIBERLING yielded his remaining time to Mr. BOLAND.)

Mr. SEIBERLING. Mr. Chairman, we like to call ourselves "the People's House." Accordingly, I think it behooves us to consider the people's wishes on this issue. The Harris survey published in the Washington Post on November 8 reported:

By nearly 3 to 1, the American people favor "getting completely out" of Vietnam by next May.

Asked if they favored or opposed the United States "getting completely out of Vietnam by May, including all combat and noncombat troops," the vote was 62 percent in favor and 21 percent opposed.

Between October 26 and October 31, a cross section of 2,004 households was asked: If it meant keeping the Communists from taking over Vietnam, would you favor or oppose the following?

[In percent]

	Favor	Oppose	Not sure
Leaving 50,000 non-combat U.S. troops there	32	55	13
Continuing to use U.S. bombers and helicopters to support the South Vietnamese army	29	57	14
Continuing to send over $1,000,000,000 a year in military aid to the South Vietnamese	16	70	14

Even at the risk of a Communist takeover, sizable majorities of the public want the United States out completely from Vietnam.

Obviously the American people do not favor a Communist takeover in Vietnam. They are merely recognizing the bankruptcy of the Government's policy in Vietnam and that we have given the South Vietnamese Government more than enough chance to stand on its own feet.

And they are recognizing something else, as revealed by the Harris poll published in the Post on November 11, as follows:

The Vietnam issue simply will not go away as a major concern for the public in this country. A survey taken during the last week of October shows that a record high 65 percent now believe that it is "morally wrong" for the United States to be fighting in Vietnam.

How can the Congress continue to ignore the overwhelming and clearly manifested desire of the American people on an issue as basic as this? No issue has been more thoroughly debated and argued in the country and in the Halls of Congress. Unless we take prompt and decisive action to carry out the people's considered desires on this subject, how can we continue to call ourselves "the People's House?"

In the 2 years during which the Congress has been wrestling with the question of placing a specific cutoff date on further American military operations in Indochina, the President has indeed reduced our presence in Vietnam. The number of American troops remaining in Vietnam is now so small that they could all be evacuated in a few weeks if it were decided to do so. Certainly a deadline of June 1, 1972 imposes no serious risk to the protection of our remaining troops in Vietnam.

The Boland amendment, providing for such a deadline, is entirely reasonable, completely within the policy already adopted by the Congress, and creates no obstacle to the withdrawal of American POW's. In fact, since the withdrawal would be contingent on the return of all POW's, it gives the administration a further bargaining lever for the POW's.

For all these reasons, I find it hard to imagine why the House should not adopt the Boland amendment by an overwhelming majority.

If the House does not adopt the Boland amendment, then I will vote against the defense appropriations bill, in accordance with my pledge not to vote for funds to continue the war in Vietnam so long as the Government has not adopted a specific date for American withdrawal.

I do not oppose national defense and will support any reasonable defense appropriation bill that does not provide for the indefinite continuation of our military involvement in Vietnam. That involvement has added nothing to our national security. It has taken over $100 billion away from other defense needs and civilian needs. It has divided the country.

The people are demanding a complete and early end to this misadventure. It is time we heeded their demand.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

(By unanimous consent, Mr. CARTER yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, the gentleman from Massachusetts (Mr. BOLAND), the author of the pending amendment, has said he is tired of the argument that we are tying the President's hands by passage of his amendment.

I would just like to say that a few years ago I felt somewhat that way when Nasser of Egypt was telling the United States to go drink from the sea and I offered an amendment to an agricultural appropriation bill to prohibit the further sale of surplus commodities to Egypt. I was supported unanimously on our Republican side of the aisle and joined by 71 Democrat Members. The amendment carried but 10 days later on a motion to instruct conferees on the very same subject 40 Democrats switched their votes after President Johnson twisted some arms and said he could not live with that kind of restriction.

Let me jog your memory of two more very relevant Presidential incidents. Remember when in October of 1962 President Kennedy issued the ultimatum to the Russians to get their missiles out of Cuba? Why do you suppose the Soviets responded affirmatively? Certainly not because of the President's good looks or his persuasive oratory, but because of the great military might of the United States that backed up what he said.

Remember when President Eisenhower was about to meet with Khrushchev in

Paris for some very delicate negotiations and the whole conference blew up over the U–2 incident?

Why do I mention these three incidents? Because our President has said he is going to Peking to try and break the ice and open up a dialog with Chou En-lai and possibly get some agreements to guarantee us at least a generation of peace.

Can you imagine the President sitting down with the Chinese or Russians hobbled with this and other similar amendments? It would be catastrophic. If perchance this amendment were adopted by the Congress I would think the President would be justified in coming before a joint session of Congress and saying "Gentlemen, as I understand the Constitution we all have sworn to uphold, I do have the power and authority to conduct the foreign policy of this Government and negotiate agreements and treaties subject to the confirmation of the Senate. Unless I can negotiate from a position of strength—unfettered and without an albatross around my neck, I feel constrained to cancel my proposed trip to Peking."

Do you want that on your consciences? I will tell you as a father of four teenagers, three of whom could very well be serving in the Armed Forces within the next few years that I do not want it on mine.

Our President deserves our wholehearted support at this time not only for the selfish interests of our Government, but for all men who seek a peaceful world. This amendment should be defeated.

(By unanimous consent, Mr. MICHEL yielded his remaining time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, for the past 52 years Americans have celebrated November 11 as Armistice Day and Veterans Day in honor of the men and women who gave so much that America might survive as a free nation. If we pass the Boland amendment today, the Communist nations will celebrate November 17 for the next 52 years for on this day they will have won the victory on the floor of this Congress that they were unable to win on the battlefields of Southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. SHOUP).

(By unanimous consent, Mr. SHOUP yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, someone said the President has turned this war around. I think that is true. I think he deserves credit for it. I am glad to have the troops withdrawn.

But I think he has turned the world around. We have Red China in the U.N. and Taiwan has been kicked out. May I say to those who argue that we have been winning this war since 1965, they pursuaded me then that we should defeat things like the Boland amendment and support this proposition. We have been winning this war since 1965, but every year we have more casualties, more MIA's, and more POW's. Our winning in Vietnam is like the man who won first prize—1 week in Philadelphia, while second prize was 2 weeks in Philadelphia. This is said to be one of the toughest resolutions we have ever had. I think it is the toughest toasted marshmallow on a plate of toasted marshmallows.

We do not declare war outright any more. We just declare war on the installment plan.

Let us just skip this payment and let them repossess this war. I urge support of the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I must oppose this amendment because it would simply say to the enemy that they do not have to negotiate with us on any matter whatever except release of prisoners. It would tell them in effect that if they will just simply hold on a little while longer, we will get out completely and let them settle the substantive issues of the future of Vietnam on their own terms.

Mr. Chairman, I would like to yield to my colleague, the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I understand the question has been asked whether anyone with sons serving in Vietnam is against this amendment.

Mr. Chairman, I have two sons and a son-in-law. My two sons each served two tours of duty over there. The last tour was voluntary. One was wounded twice and one received the Silver Star and one received the Bronze Star. My son-in-law just came back, and he is a captain in the Marine Corps, and they all tell me that an amendment of this kind is good for nobody except Hanoi.

The first four young ladies who went to Paris, widows and wives of our servicemen—those girls are not for this kind of an amendment. Two of them have sons—one a 7-year-old—who have never seen their fathers and the other two have never heard from their husbands.

Mr. Chairman, I am very much opposed to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I want to express my appreciation to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) and the ranking minority member, the gentleman from Ohio (Mr. MINSHALL) for their patience and their courtesy all during this debate.

It would seem to me that a simple explanation of this bill amendment is indeed a put-up or shut-up proposition to Hanoi.

Hanoi has been telling the world that it is willing to negotiate provided we have a terminal date. The terminal date is here. If it refuses to negotiate and if there is no movement on the prisoners of war and no movement on the missing in action, then the amendment limitation and the cutoff of funds in my judgment does not prevail.

The President of the United States in April of this year, I believe, attached two conditions to the ending of the war in Vietnam.

No. 1, the return of the prisoners of war.

No. 2, the reasonable chance for South Vietnam to survive.

If I heard the Secretary of Defense last Sunday correctly, he indicated now that South Vietnam has a reasonable chance to survive—and he said that in Saigon a week ago.

So one of the conditions has already been met.

The President's press conference last week presents a problem. I think the position is changed from a reasonable chance of survival to the assurance that the Thieu regime will not be overcome by the Communists. This is a deep and serious change of position.

I would think that if the war is ended within the next few months the possibility is that the Government of South Vietnam would survive. Nobody can say. Mr. Chairman, this is the first opportunity this Congress has had to limit funds for the Vietnam war. We have a terminal date. The funds would not be cut off unless we have some response from the Government of North Vietnam with respect to our prisoners of war and men missing in action. That is precisely what the amendment would accomplish. It would call Hanoi's hand and in my judgment, would get negotiations in Paris that have been stalled for so long to get into some meaningful and significant talks.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, at the outset I want to thank the other members of this committee who have so graciously yielded to me their allocated few seconds.

I would like to say that we have been around the barn. We have plowed the ground. We have been down the road numerous times on this question, and I do not think anything that I can say as we conclude this debate is going to change one vote one way or the other. But I do completely agree with my colleagues on the need for a national commitment to end rapidly our military involvement in Indochina. But of what use would the amendment under consideration be? It essentially reiterates a commitment that has already been made, not only by the President, but also by this Congress.

Not only are the objectives of this amendment rapidly being realized, but the means for achieving our objectives might be seriously impaired if the amendment were to be adopted. We could fail to do what we are earnestly hoping he will be able to do.

As I said under the 5-minute rule, at the conclusion of my remarks, this is a time to be cheering the Nixon administration. At the same time I do not want you to forget the important part that Mel Laird has played in this administration. Our former colleague has distinguished himself with his advice and counsel to our Chief Executive. Without question he is the best Secretary of Defense in recent history.

As has been frequently mentioned here this afternoon, he appeared last Sunday on the "Meet the Press" television program. I think that any American who saw his appearance cannot doubt for one minute his great ability, his sincerity, his devotion to duty, and his hopes that the Vietnamization program is coming to a good and honest conclusion. We all know the program is succeeding.

So I say again that this is a time for cheering the Nixon administration, not undercutting it, and a time for encouraging it to continue its drive toward peace and the safe return of all American men. I hope that all of you in your good conscience will vote against the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close the debate.

Mr. MAHON. Mr. Chairman, I think all has been said that needs to be said in opposition to the pending amendment. I have opposed this amendment because I believe it would undercut the efforts of our Nation to achieve peace and the return of our prisoners of war. I am afraid that this amendment would tend to foreclose our chance of bringing this conflict to an end that will reflect credit on the men who gave their lives and those who give their devotion and effort in the service to this country. I earnestly hope and I certainly believe that this House will reject the amendment. I ask for a vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

TELLER VOTE WITH CLERKS

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BOLAND. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BOLAND, RHODES, MAHON, and RIEGLE.

The Committee divided, and the tellers reported that there were—ayes 163, noes 238, not voting 30, as follows:

[Roll No. 399]

[Recorded Teller Vote]

AYES—163

Abourezk	Conte	Gaydos
Abzug	Conyers	Giaimo
Adams	Corman	Gibbons
Addabbo	Coughlin	Grasso
Anderson, Calif.	Culver	Gray
	Daniels, N.J.	Green, Oreg.
Anderson, Tenn.	Danielson	Green, Pa.
	Dellums	Gude
Annunzio	Denholm	Hamilton
Aspin	Dent	Hansen, Wash.
Badillo	Dingell	Harrington
Baring	Donohue	Harvey
Barrett	Dow	Hathaway
Begich	Drinan	Hawkins
Bergland	Dwyer	Hechler, W. Va.
Biaggi	Eckhardt	Heckler, Mass.
Biester	Edwards, Calif.	Heinz
Bingham	Eilberg	Helstoski
Boland	Esch	Hicks, Mass.
Brademas	Evans, Colo.	Hicks, Wash.
Brasco	Fascell	Howard
Burke, Mass.	Flynt	Hungate
Burlison, Mo.	Ford, William D.	Jacobs
Burton		Jones, N.C.
Carey, N.Y.	Fraser	Karth
Carney	Frenzel	Kastenmeier
Chisholm	Fulton, Tenn.	Kluczynski
Clay	Galifianakis	Koch
Collins, Ill.	Garmatz	Kyros
Landrum	Patten	Shipley
Leggett	Pepper	Slack
Long, Md.	Podell	Smith, Iowa
McCloskey	Preyer, N.C.	Stanton, James V.
McCormack	Pryor, Ark.	
McDade	Pucinski	Steele
McKinney	Rangel	Stokes
Macdonald, Mass.	Rees	Sullivan
	Reid, N.Y.	Symington
Madden	Reuss	Taylor
Matsunaga	Riegle	Thompson, N.J.
Mazzoli	Rodino	Tiernan
Meeds	Roe	Udall
Metcalfe	Rogers	Ullman
Miller, Ohio	Roncalio	Van Deerlin
Minish	Rooney, Pa.	Vanik
Mink	Rosenthal	Vigorito
Mitchell	Rostenkowski	Waldie
Moorhead	Roush	Whalen
Morse	Roy	Widnall
Mosher	Roybal	Wilson, Charles H.
Moss	Ruppe	
Murphy, Ill.	Ryan	Wolff
Nedzi	St Germain	Yates
Nix	Sarbanes	Yatron
Obey	Scheuer	Zwach
O'Hara	Schwengel	
O'Neill	Seiberling	

NOES—238

Abernethy	Forsythe	Minshall
Albert	Fountain	Mizell
Anderson, Ill.	Frelinghuysen	Mollohan
Andrews, Ala.	Frey	Monagan
Andrews, N. Dak.	Fuqua	Montgomery
	Gallagher	Morgan
Archer	Gettys	Murphy, N.Y.
Arends	Goldwater	Myers
Ashbrook	Gonzalez	Natcher
Ashley	Goodling	Nelsen
Aspinall	Griffin	Nichols
Baker	Gross	O'Konski
Belcher	Grover	Passman
Bell	Hagan	Patman
Bennett	Haley	Pelly
Bevill	Hall	Perkins
Blanton	Hammer-schmidt	Pettis
Bolling		Peyser
Bow	Hanley	Pickle
Bray	Hanna	Pike
Brinkley	Hansen, Idaho	Pirnie
Brooks	Harsha	Poage
Broomfield	Hastings	Poff
Brotzman	Hays	Powell
Brown, Mich.	Hébert	Price, Ill.
Brown, Ohio	Henderson	Price, Tex.
Broyhill, N.C.	Hillis	Purcell
Broyhill, Va.	Hogan	Quie
Buchanan	Holifield	Quillen
Burke, Fla.	Horton	Railsback
Burleson, Tex.	Hosmer	Randall
Byrne, Pa.	Hull	Rarick
Byrnes, Wis.	Hunt	Rhodes
Byron	Hutchinson	Robinson, Va.
Cabell	Ichord	Robison, N.Y.
Caffery	Jarman	Rooney, N.Y.
Camp	Johnson, Calif.	Rousselot
Carter	Johnson, Pa.	Ruth
Casey, Tex.	Jonas	Sandman
Cederberg	Jones, Ala.	Satterfield
Chamberlain	Jones, Tenn.	Saylor
Clancy	Kazen	Scherle
Clark	Keating	Schmitz
Clawson, Del	Keith	Schneebeli
Cleveland	Kemp	Scott
Collier	King	Sebelius
Collins, Tex.	Kuykendall	Shoup
Colmer	Kyl	Shriver
Conable	Landgrebe	Sikes
Crane	Latta	Sisk
Daniel, Va.	Lennon	Skubitz
Davis, Ga.	Lent	Smith, Calif.
Davis, S.C.	Lloyd	Smith, N.Y.
Davis, Wis.	Long, La.	Snyder
de la Garza	Lujan	Spence
Delaney	McClory	Springer
Dellenback	McCollister	Staggers
Dennis	McCulloch	Stanton, J. William
Devine	McDonald, Mich.	
Dickinson		Steiger, Ariz.
Dorn	McEwen	Steiger, Wis.
Duncan	McFall	Stephens
du Pont	McKay	Stratton
Edwards, Ala.	McMillan	Stubblefield
Erlenborn	Mahon	Stuckey
Eshleman	Mailliard	Talcott
Evins, Tenn.	Mann	Teague, Calif.
Findley	Martin	Teague, Tex.
Fish	Mathis, Ga.	Terry
Fisher	Mayne	Thompson, Ga.
Flood	Melcher	Thomson, Wis.
Flowers	Michel	Thone
Foley	Miller, Calif.	Vander Jagt
Ford, Gerald R.	Mills, Md.	Veysey
Waggonner	Wiggins	Wylie
Wampler	Williams	Wyman
Ware	Wilson, Bob	Young, Fla.
Whalley	Winn	Young, Tex.
White	Wright	Zablocki
Whitehurst	Wyatt	Zion
Whitten	Wydler	

NOT VOTING—30

Abbitt	Derwinski	Link
Alexander	Diggs	McClure
Betts	Dowdy	McKevitt
Blackburn	Downing	Mathias, Calif.
Blatnik	Dulski	Mikva
Boggs	Edmondson	Mills, Ark.
Celler	Edwards, La.	Roberts
Chappell	Griffiths	Runnels
Clausen, Don H.	Gubser	Steed
	Halpern	
Cotter	Kee	

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to this section?

AMENDMENT OFFERED BY MR. RIEGLE

Mr. RIEGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIEGLE: on page 48, between lines 7 and 8, insert the following:

SEC. 745. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1972, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond ninety-five percent of the total aggregate net expenditures estimated therefor in the budget for 1972 (H. Doc. 15).

Mr. RIEGLE. Mr. Chairman and colleagues, I am very much indebted to the gentleman from Ohio (Mr. Bow) for this amendment, because this amendment has historically been known as the "Bow expenditure limitation amendment." However, it is the first time it has been offered, to my knowledge, to a defense appropriation bill.

Mr. Chairman, this amendment applies directly to the actual spending contemplated by the Department of Defense for this fiscal year and, as such, in a significant way, goes beyond the amount of money contained in the appropriation bill that is before the Committee today.

You will be interested to know, for example, that nearly $18 billion of new obligational authority in the appropriation bill before us represents funds which will not be spent this year but, in fact, will be spent in some future year.

Mr. Chairman, what I am concerned about, and what this specific amendment goes to, is the actual amount of spending by the Department of Defense this year. If the members of the committee will refer to the committee report before us, they will find that there is budgeted $76 billion of fiscal year 1972 expenditures—approximately $50 billion being new money in this appropriation bill and something like $20 billion being carryover authority from previous appropriation bills of previous years.

Mr. Chairman, my amendment would require the Department of Defense to restrict its spending to only 95 percent of that amount—95 percent of the $76 billion it anticipates spending this year—which means it would have to absorb within the Department of Defense, a 5-percent reduction in its spending plans. This would create a dollar savings—an actual dollar savings, this fiscal year, of some $3.8 billion.

I think this is a significant money savings that the Department of Defense could be asked to absorb this year.

My friend, the gentleman from Wisconsin (Mr. ASPIN) will later offer an amendment that is very different.

His amendment would seek to reduce the amount of new obligational authority for the Defense Department. A reduction of that kind might apply to this year or might apply to some future year, and while I may support the amendment offered by the gentleman from Wisconsin (Mr. ASPIN) it does not make sure that actual defense spending for this year will be reduced by even $1. My amendment will absolutely assure that the actual defense spending will be reduced by some 5 percent.

Since 1964, including the planned expenditures for this fiscal year, we will have spent on defense in this country just since 1964, over $600 billion—over $600 billion. To anyone who wants to suggest that we have been stingy with the Defense Department, I would respond that the facts just do not back up that assertion.

Now, some people have objected to the Bow amendment because it is not an amendment that cuts the budget line item by line item. I too have the same objection, and I would much prefer to make a line item by line item reduction to this bill, but that is almost impossible in a bill that is the size of this one; one that is in the $70 billion range.

The full Committee on Appropriations, for your information, meets to consider this bill in full committee for approximately 2½ hours, and there is no way we can carefully go through line item by line item a bill of this size. This is no criticism of the committee. It is just a fact of the life we live with, and thus we must resort to this type amendment as it is the only way we can have a chance to effect any kind of spending reduction in this fiscal year.

The bill before us, which comes from the Committee on Appropriations, reduces planned expenditures by just about $1 billion. That is the figure they estimate as the reduction of the spending request that came in from the Defense Department. My amendment would go further than that; it would incorporate the $1 billion reduction, and then go beyond that to $3.8 billion.

With all due regard to the Secretary of Defense, who is our friend, and a former colleague of the Committee on Appropriations, I do submit that there is no Federal agency that can be run today in the United States without considerable bureaucracy, overlapping and waste. And I think the Defense Department is in this position, whether you want to talk about airplanes that do not fly, or cost overruns, or any one of a number of other things.

We are in an emergency condition. You may not know it, but the chairman of the Committee on Appropriations told the Committee on Appropriations the other day that his best estimate for the deficit for this fiscal year is $40 billion—and that comes on top of the deficit of last year of $30 billion. If we are going to reduce this deficit, then the Defense Department, which is the biggest single operation of this Government, certainly can absorb a 5-percent reduction in light of the emergency condition this country is in. Otherwise, where are you going to save any money? I think they can do it. I think it is a reasonable amount. I hope that my colleagues in the House will support my amendment. I will say that I will ask for a recorded teller vote on this because this is the only chance we can have to make a necessary reduction in the Defense Department spending.

In my experience in other organizations outside of the Federal Government, when they have been asked to absorb a 5-percent cut, it actually has helped them, because it gives them the tool to go inside the organization and to clean up some of the sloppy operations and wasteful methods.

So, Mr. Chairman, again I would ask my colleagues to give support to my amendment, which will be the only chance they have to actually save money in the Defense Department this year.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

I am glad to see that my friends on the other side are interested, and still interested in the Bow amendment, because we may have it again before long, and I appreciate the support it has had in the past.

However, as the gentleman from Michigan has said, this is the first time that the so-called Bow amendment has ever been offered on a defense bill. I never did offer it on a defense bill, and on the overall amendments we used to have I always excepted the Defense Department.

I do not believe we can afford to put a limitation of this kind on the defense bill, where the funds may be necessary for the security of our country. Now, there are other areas where we should—and, as I say, it may come again, and I will support it—but I never would support it on a defense bill. I think it would be wrong to do it.

I sincerely hope that the committee will reject this amendment.

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

Mr. Chairman, the gentleman from Michigan indicated an inadequate consideration of the pending measure.

The 11-member Subcommittee on Defense Appropriations had months of hearings and there are nine printed volumes of testimony here on this table. It was well considered.

There has been no expenditure limitation on any appropriation bill this year. I do not know why this bill was singled out for this purpose.

Congress basically controls spending by controlling appropriations and other obligational authority, not by controlling expenditures.

The amendment proposes a meat-ax cut. The bill before you provides a reduction in expenditures of about $1 billion for the current fiscal year, and the gentleman would increase that by about $2.5 billion, and would leave it completely to the Executive as to where those reductions are to be made.

The appropriation cuts in this bill were specified particularly, and they are well described in the report.

The gentleman has not pointed out where he wants to make a reduction.

This amendment proposes an abdication by the Congress of its money powers.

Mr. Chairman, I join the gentleman from Ohio in asking that the amendment be voted down.

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

Mr. MAHON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to thank my chairman.

I opposed this amendment in full committee. I said at that time, I opposed the Bow amendments because I did not agree with them. I do not believe an across-the-board cut is the way to control expenditures. We should have selective reductions. If there are weaknesses in this bill, let us go after the weak spots.

I think the amendment is ill planned and ill conceived and ill timed. After all, we have gone through 6 months of this fiscal year already and to have a 5-percent across-the-board cut will certainly be to the detriment of the whole defense bill. Therefore, I oppose the amendment and hope that it is defeated.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto do now close.

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

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. RIEGLE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. RIEGLE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. RIEGLE, BOW, MAHON, and ASPIN.

The Committee divided, and the tellers reported that there were—ayes 74, noes 308, not voting 49, as follows:

[Roll No. 400]

[Recorded Teller Vote]

AYES—74

Abourezk	Esch	Melcher
Abzug	Fraser	Metcalfe
Aspin	Gaydos	Mink
Badillo	Green, Pa.	Mitchell
Bergland	Gross	Moorhead
Bingham	Hall	Mosher
Brademas	Hanley	Nix
Brasco	Harrington	Pryor, Ark.
Burton	Hathaway	Pucinski
Carey, N.Y.	Hechler, W. Va.	Rangel
Carney	Helstoski	Reid, N.Y.
Chisholm	Hungate	Riegle
Clay	Ichord	Rosenthal
Collins, Ill.	Kastenmeier	Roybal
Conyers	Koch	Ryan
Delaney	Kyros	Sarbanes
Dellums	Lujan	Scheuer
Denholm	McClory	Schwengel
Dow	McCloskey	Seiberling
Drinan	McDonald, Mich.	Snyder
du Pont	Macdonald, Mass.	Stokes
Edwards, Calif.		Thompson, N.J.
Eilberg		Udall

Vanik	Wolff	Zwach
Waldie	Yates	
Whalen	Yatron	

NOES—308

Abernethy	Forsythe	Murphy, N.Y.
Adams	Fountain	Myers
Addabbo	Frelinghuysen	Natcher
Albert	Frenzel	Nedzi
Anderson, Calif.	Frey	Nelsen
	Fulton, Tenn.	Nichols
Anderson, Ill.	Fuqua	Obey
Andrews, Ala.	Galifianakis	O'Hara
Andrews, N. Dak.	Gallagher	O'Konski
	Garmatz	O'Neill
Annunzio	Gettys	Passman
Archer	Giaimo	Patman
Arends	Goldwater	Patten
Ashbrook	Gonzalez	Pelly
Ashley	Goodling	Pepper
Aspinall	Grasso	Perkins
Baker	Gray	Pettis
Baring	Green, Oreg.	Peyser
Begich	Griffin	Pickle
Belcher	Grover	Pike
Bell	Gubser	Pirnie
Bennett	Gude	Poage
Bevill	Hagan	Poff
Biaggi	Haley	Powell
Biester	Hamilton	Preyer, N.C.
Blanton	Hammer-schmidt	Price, Ill.
Boland		Price, Tex.
Bolling	Hansen, Idaho	Purcell
Bow	Hansen, Wash.	Quie
Bray	Harsha	Quillen
Brinkley	Harvey	Railsback
Brooks	Hastings	Randall
Broomfield	Hays	Rarick
Brotzman	Hébert	Rees
Brown, Mich.	Heinz	Rhodes
Brown, Ohio	Henderson	Robinson, Va.
Broyhill, N.C.	Hicks, Mass.	Robison, N.Y.
Broyhill, Va.	Hicks, Wash.	Rodino
Buchanan	Hillis	Roe
Burke, Fla.	Hogan	Rogers
Burke, Mass.	Holifield	Roncalio
Burleson, Tex.	Horton	Rooney, N.Y.
Burlison, Mo.	Hosmer	Rooney, Pa.
Byrne, Pa.	Howard	Rostenkowski
Byrnes, Wis.	Hull	Roush
Byron	Hunt	Rousselot
Cabell	Hutchinson	Roy
Caffery	Jacobs	Ruppe
Camp	Jarman	Ruth
Carter	Johnson, Calif.	St Germain
Casey, Tex.	Johnson, Pa.	Sandman
Cederberg	Jonas	Satterfield
Chamberlain	Jones, N.C.	Saylor
Clancy	Jones, Tenn.	Scherle
Clark	Karth	Schmitz
Clawson, Del	Kazen	Schneebeli
Cleveland	Kemp	Scott
Collier	King	Sebelius
Collins, Tex.	Kluczynski	Shipley
Colmer	Kuykendall	Shoup
Conable	Kyl	Shriver
Conte	Landgrebe	Sikes
Corman	Latta	Skubitz
Coughlin	Lennon	Slack
Crane	Lent	Smith, Calif.
Culver	Lloyd	Smith, Iowa
Daniel, Va.	Long, La.	Smith, N.Y.
Daniels, N.J.	Long, Md.	Spence
Danielson	McCollister	Springer
Davis, Ga.	McCormack	Staggers
Davis, S.C.	McCulloch	Stanton, J. William
Davis, Wis.	McDade	
Dellenback	McEwen	Stanton, James V.
Dennis	McKay	
Dent	McKinney	Steele
Devine	McMillan	Steiger, Ariz.
Dickinson	Madden	Stephens
Dingell	Mahon	Stratton
Donohue	Mailliard	Stubblefield
Dorn	Mann	Stuckey
Duncan	Martin	Sullivan
Dwyer	Mathis, Ga.	Symington
Eckhardt	Matsunaga	Talcott
Edwards, Ala.	Mayne	Taylor
Erlenborn	Mazzoli	Teague, Calif.
Eshleman	Meeds	Teague, Tex.
Evans, Colo.	Michel	Terry
Evins, Tenn.	Miller, Calif.	Thompson, Ga.
Fascell	Miller, Ohio	Thomson, Wis.
Findley	Mills, Md.	Thone
Fish	Minish	Tiernan
Fisher	Minshall	Ullman
Flood	Mizell	Van Deerlin
Flowers	Mollohan	Vander Jagt
Flynt	Monagan	Veysey
Foley	Montgomery	Vigorito
Ford, Gerald R.	Morgan	Waggonner
Ford, William D.	Moss	Wampler
	Murphy, Ill.	Ware
Whalley	Williams	Wylie
White	Wilson, Bob	Wyman
Whitehurst	Wilson, Charles H.	Young, Fla.
Whitten		Young, Tex.
Widnall	Wright	Zablocki
Wiggins	Wyatt	Zion

NOT VOTING—49

Abbitt	Dowdy	Link
Alexander	Downing	McClure
Anderson, Tenn.	Dulski	McFall
	Edmondson	McKevitt
Barrett	Edwards, La.	Mathias, Calif.
Betts	Gibbons	Mikva
Blackburn	Griffiths	Mills, Ark.
Blatnik	Halpern	Morse
Boggs	Hanna	Podell
Celler	Hawkins	Reuss
Chappell	Heckler, Mass.	Roberts
Clausen, Don H.	Jones, Ala.	Runnels
	Keating	Sisk
Cotter	Kee	Steed
de la Garza	Keith	Steiger, Wis.
Derwinski	Landrum	Winn
Diggs	Leggett	Wydler

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN: Page 48, immediately after line 7, insert the following:

TITLE IX

APPROPRIATION LIMITATION

SEC. 745. Notwithstanding any other provision of this Act, the total sums appropriated by this Act for the fiscal year ending June 30, 1972, for the military functions administered by the Department of Defense, and for other purposes, shall not exceed the total sums appropriated to that Department for such functions and purposes in Public Law 91–668, approved January 11, 1971.

Mr. ASPIN. Mr. Chairman, I do not plan to take very long because this amendment is simple to explain. What the amendment does is to hold defense spending to last year's level.

Last year we appropriated $69.5 billion. This year the bill we are talking about is $71 billion. So that would mean a cut of $1.5 billion.

Mr. Chairman, I am presenting this amendment and raising the question here because it has not been adequately explained to me why this defense budget is higher than the one we had last year. It seems to me that is a very, very difficult thing to explain. The committee report itself has trouble explaining it.

After all, we have a war which is being wound down. We have less defense in the general purpose forces this year than last year. Why is the defense budget higher?

One reason given by the committee report for this year's budget being higher is inflation, and indeed inflation is a factor. To buy last year's budget at this year's prices will cost in money $2.4 billion more according to Mr. Moot, the Comptroller. So that is one factor.

But, on the other hand, the war is costing us less. According to the Secretary of Defense the war this year is costing us $4 billion less than the war cost us last year. So on balance, the inflation and the war, we end up ahead, and the budget overall should not be higher.

A second reason the committee gives for the budget being higher this year is because of unemployment in some places. But this amendment, contrary to the amendment offered by the gentleman from Michigan, does nothing about spending. All of it might be spent next year, some of it this year, or some, some other time. Even if this amendment is passed, the amount of outlay we spend this year might not change at all.

Another reason why this year's budget is higher, offered by the chairman of the committee yesterday, is the volunteer army. We are spending more money on pay for a volunteer army; therefore, the budget is higher. But, as the discussion yesterday revealed, there is no money or very little money for the volunteer army in this appropriation bill. Some $250 million out of $1.5 billion is in this bill. In fact, the amount of money that is going to be appropriated this year for personnel is less than the amount last year, so that cannot be the reason.

Perhaps it is because we are buying more defense, but certainly not in general purpose forces are we buying more defense.

This budget this year has one-third of an Army division less than the budget last year. It has one Navy air wing less than the budget last year. It has two Navy carriers less than the budget last year.

So, Mr. Chairman, why is this budget higher? Why are we appropriating $1.5 billion more this year for defense than we did last year? I would like to offer several reasons for it, none of which I am very happy about, which are all reasons why we are getting a higher budget and why we are spending more for defense and getting less from it.

No. 1 is cost overruns. A recent GAO report pointed out that of 45 selected programs, the cost overruns totaled $35.4 billion. Last year alone there were $8 billion in cost overruns.

The second reason why our budgets are going up is too much support. We now have in the Army more three- and four-star generals and admirals than we had at the peak of World War II. At the peak of World War II there were 12 million men under arms. Today there are 2.7 million men under arms and we have more generals and admirals than we had then. It just does not make any sense.

The third reason is we have too much overhead. We have too many bases and too many civilians. For example, this year's budget cuts our military manpower. It is cutting our military manpower over last year by 7.5 percent. But what are we doing about civilian manpower? We are cutting it by less than 1 percent.

A fourth reason for the budget going up is too much gold plating. The F–4 cost less than $4 million apiece. The F–14 will cost $16 million apiece. There is no indication whatever that the F–14 is worth four times more or is four times more effective than the F–4.

That is where our money is going and that is why our defense costs are going up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection

to the request of the gentleman from Wisconsin?

Mr. CHAMBERLAIN. I object.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the distinguished gentleman from Wisconsin.

Mr. ASPIN. Thank you very much.

Mr. Chairman, it seems to me that with the budgets going higher and the amount of money we are getting for the budgets less, it is appropriate for this Congress and its Members to express their unhappiness with this situation.

This amendment does not tell the Pentagon what to cut, or where to cut or how to cut, but it does put the House on record as being opposed to buying less defense and spending more for it.

I urge the adoption of the amendment.

Mr. SIKES. Mr. Chairman, there is within the reach of each Member a report of 139 pages which tells clearly and specifically why defense costs more now than it has in previous years. I hope you have read it. I urge that you keep it for reference.

May I point this out to you, and please listen to me. The Aspin amendment would tie defense spending for fiscal year 1972 to the 1971 appropriations. That figure was $66.6 billion. The Aspin amendment does not call for an amount of $1.5 billion below the 1971 appropriation, but it calls for that much below the 1972 bill. Supplementals were approved subsequent to the passing of the 1971 bill in the amount of $66.6 billion. The supplementals were $3 billion, almost altogether for wages and salaries. The effect of the amendment has not been thought through.

Are you prepared to abolish the pay raises? How would you specify the areas of cuts, or is this a shotgun blast at all defense? Under the terms of the Aspin amendment, the total cut would be $4.5 billion below the committee's 1972 bill or $7 billion below the administration's 1972 budget. This is not a 2-percent cut, my friends. It would cut more deeply than the amendment just proposed for a 5-percent reduction and decisively defeated.

Now, this, of course, is wild blue yonder thinking. The House already has had a good look at the defense picture, we have spent 2 long days on the bill before us. Let me recapitulate. In constant dollars defense spending is not higher. Inflation and wages are running away with all costs, including defense. The proposed defense spending level means we will have smaller forces, we will have too little modernization, less total defense than in previous years even though the spending level is higher.

Mr. Chairman, it is a dangerous thing to have less defense in the face of growing Russian strength. Modernization is the key to national security. We need new weapons in greater number. The Soviets are ahead in size of forces, in numbers of modern weapons. They are building more nuclear-powered submarines and major surface ships than we are. The Russian Foxbat—listen to this—the Russian Foxbat which is flying around Israel is the most advanced aircraft of its class in the world. We do not have any. We need more tanks. The Communists have three times as many tanks as we and their tanks are newer than ours. The soldier who fights on the ground suffers most of the casualties. In a European-type war the tank is essential if our troops are to be successful.

Mr. Chairman, I do not think the House wants to embark into an uncertain prospect for national security by adopting a 5-percent cut—not a 2-percent cut—in appropriations for fiscal year 1972 defense spending. The amendment is an invitation to trouble—an invitation to Communist aggression. It can cripple our Nation's defenses and endanger America's security. This is a type of economy we cannot afford. I ask for a vote in opposition to the amendment.

Mr. YATES. Mr. Chairman, the committee report on the fiscal year 1972 Department of Defense appropriations bill is a document which is extraordinary for its candor. It is, I believe, a document which argues convincingly for a cut in military appropriations substantially below the levels recommended in the bill.

Page 6 of the report states:

> It has been the pattern of the United States to sharply reduce our military forces after the end of a major conflict. We did so after World War II and again after the Korean War. The war in Southeast Asia is not yet over but active participation by United States forces has greatly decreased. Even so, the fiscal year 1972 budget, and the appropriations recommended in the accompanying bill, represent increases over the previous year, not decreases.
>
> The decreases in military personnel in the past year would lead the Congress to anticipate a budget decrease, not an increase. The increase of $1.5 billion is supported by a number of factors. High costs due to economic inflation have caused defense costs to rise. The desire to continue ongoing programs and installations in order to provide jobs and in order to avoid a further increase in unemployment is probably a factor. Also, the military services, as is not uncharacteristic of Government agencies generally, have sought the opportunity to keep their budgets at a high level and have included favored programs in the Budget which could not be funded when the war made heavier demands on appropriations. The Committee believes that this is an area which calls for close Congressional scrutiny during this transition period and has tried to screen new proposals carefully.

The important element of that explanation of the increases in defense spending is that it makes almost no reference to any military requirement for a budget of more than $71 billion. Rather it admits that "favored programs" and the desire "to provide jobs" were in large part responsible for the failure to reflect the savings in the budget which we should expect from the winding down of the war in Southeast Asia. The military establishment whose bill we are being asked to approve today is roundly criticized even by the committee—one has only to read the report.

Though the Vietnam war will cost us some $4 billion less this year than last, and though military personnel costs are nearly $5.5 billion less than last year, the appropriations for defense have increased by $1½ billion over fiscal year 1971. Rather than saving $5 billion, we are spending more than last year. Why?

Inflation accounts for about one-half of the increase, or about $2.75 billion, but what about the other half? What has happened to the "peace dividend"?

A large part of the increase over last year comes in the procurement category, which is $2,156,000,000 higher than last year. There are "favored programs" mentioned in the report funded this year regardless of their merit or the status of their research and development. We are asked to provide the money not because the systems are good or even necessary, but rather because the Pentagon bureaucracy is incapable of making necessary changes, even when an accepted weapons system is almost without question a turkey. The Pentagon would rather have a C5–A with its wings or engines falling off than have no plane at all. This inflated budget reflects nothing so much as the fact that the Pentagon, despite all the new procurement practices Mr. Packard speaks of so often, still is the victim of the huge cost overruns of the last few years.

For example, as is indicated in the committee report, the F–14 Navy fighter program can only be called a procurement fiasco. After the Appropriations Committee wisely suggested a slowdown in the F–14 program in December 1969, the Navy, "prevailed upon the committee to reverse its decision." Congressional skepticism about the F–14 has given way to Navy optimism ever since, and this year there is more than $800 million in the budget for procurement of the F–14, which is admittedly obsolete even before it is fully tested.

According to the committee report, the F–14 is being procured because it would be able to cope with the new Soviet Mig–23 better than anything we now have in the inventory. There is no hard evidence, however, that the F–14 is even marginally better than the F–4 would be if it were modified to accommodate the Phoenix missile, and the F–4 costs only one-fourth as much as the F–14.

It is difficult to say anything with certainty about the performance of the F–14, since it is still in the early stages of its testing program. However, we do know it will not compete with the Mig–23. The bill includes $229 million for research and testing of the F–14, a figure which must give pause to anyone familiar with the waste which concurrent testing and procurement has produced in the past. The program has been concurrent for 2 years now and the committee's continued support for the production of such an untested plane is in direct contradiction to its goal, stated in the fiscal year 1970 report, of a "fly-before-you-buy" policy. The contract is a weird one. The report indicates a desire by the committee to get out of the F–14 contract but has decided not to do so because it points out it is cheaper to buy the planes, however unwanted, than to continue the contract.

The F–14, however, is only one of several weapons systems that is being funded this year in contradiction to lessons we should have learned during the last few years of Pentagon weapons failures. The DD–963 destroyer program is

funded to the tune of nearly $600 million, even though it is so heavily laden with electronic gear that it may well become a floating C–5A. The Senate Armed Services Committee report on this year's procurement authorization bill offers some sensible observations weapons systems which become so technologically musclebound that they are unable to perform their mission:

In a surprisingly large number of cases, DOD policies over the last several years have emphasized the development of platforms for weapons without sufficient emphasis on the weapons themselves. This is perhaps partially a result of attempts to make a single weapon system serve an inordinately large number of missions. Whatever the cause, it is striking that in many cases we have developed and produced aircraft of extraordinary capabilities without demonstrably reliable and effective air-to-air munitions, bombers without long range air-to-surface missiles, submarines without reliable and effective torpedoes or antiship missiles, and surface escorts without any surface-to-surface missiles of any kind. Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.

I strongly support the "efficiency amendment" offered by Mr. ASPIN as a moderate, sensible step toward enforcing some restraint on Pentagon spending policy. Its passage would be an unmistakable message to the Defense Department that some major changes are required in the methods we use to develop and procure military weapons systems. Until those changes occur the Pentagon will continue to drain the Treasury and to make adequate funding of domestic legislation an impossibility. The Congress has been issuing polite reprimands for too long. It is time now to put some teeth in those reprimands by putting a lid on the defense budget through the Aspin amendment.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close immediately.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ASPIN).

TELLER VOTE WITH CLERKS

Mr. ASPIN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ASPIN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ASPIN, RHODES, RIEGLE, and SIKES.

The Committee divided, and the tellers reported that there were—ayes 114, noes 278, not voting 39, as follows:

[Roll No. 401]

[Recorded Teller Vote]

AYES—114

Abourezk	Biaggi	Chisholm
Abzug	Biester	Clay
Anderson, Calif.	Bingham	Collins, Ill.
Ashley	Brademas	Conyers
Aspin	Brasco	Culver
Badillo	Broyhill, N.C.	Danielson
Barrett	Burke, Mass.	Dellenback
Begich	Burton	Dellums
Bergland	Carey, N.Y.	Denholm
	Carney	Donohue
Dow	Kastenmeier	Roe
Drinan	Koch	Roncalio
du Pont	Kyros	Rosenthal
Eckhardt	Leggett	Rousselot
Edwards, Calif.	Lujan	Roy
Eilberg	McClory	Roybal
Esch	McCloskey	Ryan
Ford, William D.	McDonald, Mich.	Sarbanes
Forsythe	McKinney	Scheuer
Fraser	Madden	Schneebeli
Frenzel	Mazzoli	Schwengel
Gaydos	Melcher	Sebelius
Gibbons	Metcalfe	Seiberling
Green, Pa.	Mink	Snyder
Gross	Mitchell	Stanton, James V.
Gude	Moorhead	Stokes
Hall	Morse	Thompson, N.J.
Hamilton	Mosher	Udall
Hanley	Nedzi	Vanik
Harrington	Obey	Vigorito
Hathaway	O'Konski	Waldie
Hawkins	Pryor, Ark.	Whalen
Hechler, W. Va.	Pucinski	Winn
Heckler, Mass.	Railsback	Wolff
Heinz	Rangel	Yates
Helstoski	Reid, N.Y.	Yatron
Hungate	Reuss	Zwach
Jacobs	Riegle	
Karth	Robison, N.Y.	

NOES—278

Abernethy	Erlenborn	Lloyd
Adams	Eshleman	Long, La.
Addabbo	Evans, Colo.	Long, Md.
Albert	Evins, Tenn.	McCollister
Anderson, Ill.	Fascell	McCormack
Andrews, Ala.	Findley	McCulloch
Andrews, N. Dak.	Fish	McDade
Annunzio	Fisher	McEwen
Archer	Flood	McFall
Arends	Flowers	McKay
Ashbrook	Flynt	McMillan
Aspinall	Foley	Macdonald, Mass.
Baker	Ford, Gerald R.	Mahon
Baring	Fountain	Mailliard
Belcher	Frelinghuysen	Mann
Bell	Frey	Martin
Bennett	Fulton, Tenn.	Mathis, Ga.
Bevill	Fuqua	Matsunaga
Blanton	Galifianakis	Mayne
Boland	Gallagher	Meeds
Bolling	Garmatz	Michel
Bow	Gettys	Miller, Calif.
Bray	Giaimo	Miller, Ohio
Brinkley	Goldwater	Mills, Md.
Brooks	Gonzalez	Minish
Broomfield	Goodling	Minshall
Brotzman	Grasso	Mizell
Brown, Mich.	Gray	Mollohan
Brown, Ohio	Green, Oreg.	Monagan
Broyhill, Va.	Griffin	Montgomery
Buchanan	Grover	Morgan
Burke, Fla.	Gubser	Moss
Burleson, Tex.	Haley	Murphy, Ill.
Burlison, Mo.	Hammer-schmidt	Myers
Byrne, Pa.	Hansen, Idaho	Natcher
Byrnes, Wis.	Hansen, Wash.	Nelsen
Byron	Harsha	Nichols
Cabell	Harvey	Nix
Caffery	Hastings	O'Hara
Camp	Hays	O'Neill
Carter	Hébert	Passman
Casey, Tex.	Henderson	Patman
Cederberg	Hicks, Mass.	Patten
Chamberlain	Hicks, Wash.	Pelly
Clancy	Hillis	Pepper
Clark	Hogan	Perkins
Clawson, Del	Holifield	Pettis
Cleveland	Horton	Peyser
Collier	Hosmer	Pickle
Collins, Tex.	Howard	Pike
Colmer	Hull	Pirnie
Conable	Hunt	Poage
Conte	Hutchinson	Poff
Corman	Jarman	Powell
Coughlin	Johnson, Calif.	Preyer, N.C.
Crane	Johnson, Pa.	Price, Ill.
Daniel, Va.	Jonas	Price, Tex.
Daniels, N.J.	Jones, Ala.	Purcell
Davis, Ga.	Jones, N.C.	Quie
Davis, S.C.	Jones, Tenn.	Quillen
Davis, Wis.	Kazen	Randall
de la Garza	Keith	Rarick
Delaney	Kemp	Rees
Dennis	King	Rhodes
Dent	Kluczynski	Robinson, Va.
Devine	Kuykendall	Rodino
Dickinson	Kyl	Rogers
Dingell	Landgrebe	Rooney, N.Y.
Dorn	Landrum	Rooney, Pa.
Duncan	Latta	Rostenkowski
Dwyer	Lennon	Roush
Edwards, Ala.	Lent	Ruppe
Ruth	Steele	Wampler
St Germain	Steiger, Ariz.	Ware
Sandman	Steiger, Wis.	Whalley
Satterfield	Stephens	White
Saylor	Stratton	Whitehurst
Scherle	Stubblefield	Whitten
Schmitz	Stuckey	Widnall
Scott	Sullivan	Wiggins
Shipley	Symington	Williams
Shoup	Talcott	Wilson, Bob
Shriver	Taylor	Wilson, Charles H.
Sikes	Teague, Calif.	Wright
Skubitz	Terry	Wyatt
Slack	Thompson, Ga.	Wylie
Smith, Calif.	Thomson, Wis.	Wyman
Smith, Iowa	Thone	Young, Fla.
Smith, N.Y.	Tiernan	Young, Tex.
Spence	Ullman	Zablocki
Springer	Van Deerlin	Zion
Staggers	Vander Jagt	
Stanton, J. William	Veysey	
	Waggonner	

NOT VOTING—39

Abbitt	Diggs	McClure
Alexander	Dowdy	McKevitt
Anderson, Tenn.	Downing	Mathias, Calif.
Betts	Dulski	Mikva
Blackburn	Edmondson	Mills, Ark.
Blatnik	Edwards, La.	Murphy, N.Y.
Boggs	Griffiths	Podell
Celler	Hagan	Roberts
Chappell	Halpern	Runnels
Clausen, Don H.	Hanna	Sisk
Cotter	Ichord	Steed
Derwinski	Keating	Teague, Tex.
	Kee	Wydler
	Link	

(Mr. CULVER changed his vote from "no" to "aye.")

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 48, immediately following line 7, add the following new section under Title VII:

SEC. 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after November 7, 1972, if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for.

Mr. BOW. Mr. Chairman, I make a point of order against the amendment on two grounds:

First, very simply, the November 7, 1972, date goes beyond the fiscal year for which this appropriation is being made;

Second, and I think most important, is the final paragraph, which was also written into the Boland amendment: "if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for."

This provision places an additional responsibility and duty upon someone, but there is nothing in the amendment as to who would have that responsibility and duty. The amendment provides that all prisoners must have been released or accounted for. I repeat that this is an additional responsibility in legislation in this amendment. Therefore I urge my point of order.

The CHAIRMAN. Does the gentleman

from Indiana wish to be heard on the point of order?

Mr. JACOBS. Yes, Mr. Chairman. I would say, first of all, if the funds appropriated in this vehicle will end prior to the time mentioned in the amendment, then it would conform to the amendment in any case. So far as the responsibility is concerned, this is only a provision that the amendment will take effect on the happening of an event. That event may or may not happen. It places no responsibility on anyone.

If the prisoners are released before the event has taken place, it places no responsibility on anybody.

Mr. YATES. Mr. Chairman, further on the point of order I should like to point out, in response to the remarks of the distinguished gentleman from Ohio (Mr. Bow), that there are funds provided in the bill for programs that go beyond the end of the fiscal year.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule. The Chair will point out, first, that there are funds in the bill that do go beyond this fiscal year, and therefore holds that the termination date included in the amendment of the gentleman from Indiana does not render the amendment not germane.

Second, as to the point raised by the gentleman from Ohio (Mr. Bow), there are no additional duties required by the last clause of the amendment. Those duties referred to by the gentleman from Ohio, if any, are already anticipated by title VI of the Military Procurement Act, which is referred to in the amendment and which was signed into law by the President today.

For these reasons, the Chair overrules the point of order.

The Chair recognizes the gentleman from Indiana (Mr. JACOBS) for 5 minutes in support of his amendment.

Mr. JACOBS. I have spoken to very few Americans who do not believe that American military intervention in Southeast Asia will end by next election day. I offer this amendment just to make sure.

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

MOTION OFFERED BY MR. MAHON

Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

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

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. JACOBS) there were—ayes 52, noes 161.

So the amendment was rejected.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to H.R. 11731, the Defense Appropriations bill for 1972. In the context in which we are functioning in the House of Representatives, a vote for this bill would be irrational.

First, I cannot with any shred of conscience, vote $1, to say nothing of $71.05 billion, until we have set a date to end the most hated and most expensive war in American history. The $23 billion a year that this war in Indochina has cost us has been the least of the prices we have paid. I count the suffering, the deaths and the injuries, among the people of Indochina as well as among our own young, the deepening cynicism, the alienation of our young people as part of the increasingly intolerable costs of this war. The President announces in an offhand way, the reduction of American troops in South Vietnam. He neglects to mention the increasing number of bombs and air attacks, the increasing number of refugees and civilian casualties. South Vietnam, thanks to moneys like those here before us today, U.S. defense moneys, has the fourth largest army in the world to "secure" a country the size of Texas with a population of 20 million. Thanks to moneys like these here before us today, Indochina has the most heavily bomb saturated terrain of any area ever in the world.

And our constituents cry out for an end: According to recent surveys more than 75 percent of Americans want us out of Vietnam now; some 55 percent do not want even a residual force left behind; and in the districts of the leaders of this House the expressed views of a majority of their constituents are not being represented by their Congressmen's continuing support for this unending war.

We in the House of Representatives do not reflect this agony. We act here to appropriate $71.05 billion, an estimated minimum of $10 billion of which will go for men and materiel in Indochina. I submit that the only rational act, the only representative act, we will do today is vote "yes" on the amendment offered by Mr. BOLAND to title VII to cut off funds for this war after June 1, 1972. We now have an opportunity to vote clearly on this war—not merely as an expressed wish of Congress, but in a most practical way—by cutting off funds. We have a chance to undo the damage done by this body's unquestioning support of the Gulf of Tonkin resolution which resulted in the enormous U.S. involvement in Indochina. The House voted to repeal the resolution; we can vote today to terminate its implications. Mr. HARRINGTON suggests—and I wholeheartedly agree with him—that to continue to support the executive in its undeclared war by financing it amounts to a declaration of war. I appeal to you to vote "yes" on Mr. BOLAND'S amendment.

Secondly, we act here, as the committee report accompanying this legislation reminds us, in the name of "national security." Yet we refuse to do what is necessary to make our country secure, to bring home the thousands of young people who have fled their country, the countless who are dying and suffering injury in a corner of the world whose impact on our national security is at best minimal and the prisoners of war who have endured long enough.

We act here, with only 3 hours of debate and a couple of amendments, to appropriate an amount just under that we have already appropriated this session for a total of 14 other fiscal year 1972 programs: In other words, this single appropriation is equal to the sum total of every other program our country has invested in for this period.

In title I of this bill, personnel, we vote on a figure to pay the employees of the defense establishment which, even with its cut from last year's figure at $21 billion, is still more than the biggest appropriation bill to come before us this session—the total $20.8 billion budget for the Department of Health, Education, and Welfare with its myriad of programs for the benefit of the American people. In title III, operations and maintenance, the committee recommends $20.4 billion, a sum only slightly less than the HEW appropriations and more than the entire $18 billion appropriations for HUD, the source of all Federal programs which attempt to ensure a "decent home in a suitable living environment for every American family." In title IV procurement, we will vote on the committee recommendation of $18 billion while the administration threatens to veto the Comprehensive Child Development Act which would authorize $100,000 for fiscal year 1972 to plan a program which would cost $2 billion in fiscal year 1973. To say nothing of title VIII which provides $93 million for ABM development and construction—four times the $17 million we appropriated over Mr. Nixon's objections, for summer food programs for our children. In light of our defense spending, the $1 billion we appropriated for the Emergency Employment Act can be seen in its proper perspective, and shows us for what we are—a country that places military needs above human needs.

The sum total sought in this legislation which we may well dispose of in short order, falls only slightly short of these 14 other bills on which we have spent at least 50 hours of floor debate and fought out countless amendments. And this in the name of "national security." I submit that it is precisely our national security we are jeopardizing by operating under the set of priorities that are reflected in our work this session of Congress on appropriations measures. The national security that we enjoy as a result of our frantic competitiveness in arms races, in nuclear testings, in the development of supersophisticated material is beyond the point of surfeit; it is overkill, to use the military jargon. It is our other national security, that of a loyal citizenry, employed, decently housed, fed, and educated, that we must turn ourselves to protecting. Until our perspective has righted itself, starting at the most elemental—getting the U.S. troops out of Vietnam—I cannot cast my vote for this bill.

Mr. COTTER. Mr. Chairman, I want to compliment the gentleman from Texas and his committee for their oustanding work on this most complicated bill.

I note with satisfaction that the committee report focuses on the so-called "fly before you buy" procurement concept that was heralded by DOD just a few months ago. This new policy seems to be mired in public relations with little or no substantive action.

I want to point out to the distinguished chairman that I have requested a "fly-off" between the trouble-plagued Cheyenne AH 56 helicopter and the Sikorsky 57 Blackhawk, because I am confident that the Sikorsky helicopter is a superior aircraft. I have not received a reply to

this request and I was wondering if the gentleman could assure me that his committee will follow through on this and other procurement programs which could benefit from the "fly before you buy" policy.

Mr. VANIK. Mr. Chairman, in view of the action of the House in defeating the Boland amendment, I must vote against the defense appropriation bill. The Boland amendment was a very reasonable proposal to terminate our involvement in Southeast Asia on June 1, 1972, contingent on the release of our prisoners of war.

In view of the recent decision of the U.S. Court of Appeals in Massachusetts, a continuation of unrestrained defense spending in Southeast Asia constitutes ratification by Congress of the continuation of this tragic war.

For over 4 years I have stated my opposition and cast my votes for proposals to end this war. At the Democratic Convention of 1968, I supported the peace plank. In this Congress I filed a discharge petition on legislation to end the war.

Until peace is achieved in Southeast Asia, I fear that this legislation will be used one way or another to continue the conflict and our involvement. In good conscience I cannot support the continuation of the slaughter and destruction in Southeast Asia which continues to take a tremendous toll in human life.

Mr. PODELL. Mr. Chairman, the Boland amendment to the defense appropriation bill, which we are considering today, would cut off funds for any military or support operations by American forces in or over Indochina after June 1, 1972, subject to the release of all American prisoners of war. The defeat of this amendment would signify that our combat involvement in Southeast Asia would remain open-ended with no foreseeable termination date in sight.

It would mean that American boys will continue to fight and die in the faraway jungles of Vietnam although 55,000 have already lost their lives in Southeast Asia. It would mean that the American taxpayer already caught between the twin pincers of recession and inflation would need to continue to bear the onerous burden of financing this seemingly endless conflict that has cost our Nation more than $150 billion.

I shall vote in favor of the Boland amendment just as I have supported all progressive legislative attempts aimed at terminating our military involvement in Indochina. I recognize that Vietnam was not a betrayal, but rather, it was a mistake. The United States did not become involved in Southeast Asia for selfish gain but rather as a result of bad judgment. Our mistake was compounded in that when we saw our error, we tried to pull out by going in deeper. War has a fatal momentum of its own. The consequences of earlier military battles became the causes of later military action.

What will be remembered about Vietnam in the future? There is Mylai and the phrase "we had to destroy the village in order to save it." There were military phrases like "protective reaction" and the two that bracketed the Cambodian "incursion," first that the United States could not act "like a pitiful, helpless giant" and after it was over that it was "the most successful operation of this long and very difficult war."

There were the heroic sacrifices of many of our finest young men who were drawn from their homes, from their families, from their friends, to fight in a foreign land in a war that many of them did not understand.

One of the best evaluations of our long involvement in Southeast Asia was recently written by John Graham of the London Financial Times who observed that the United States "has bombed four countries and invaded two to withdraw from one."

America has done its duty in Vietnam. We have now trained and set up an army of a million South Vietnamese to fight an army certainly no larger in size. For far too long we have played the role of policeman in Indochina. It is now the responsibility of the Vietnamese to stand on their own two feet and to defend themselves.

The plain fact is that we need to reorder our national priorities and to fight the problems that beset us in America rather than devoting our attention to fighting the Vietcong in Southeast Asia. We need to turn our attention to the problems of crime, pollution, poverty, housing, and educational and job opportunities for our youth. We need to concentrate on establishing mass transportation programs in cities and on improving the lot of our nation's senior citizens so that they can enjoy their golden years free from the pangs of financial worry.

Until we recognize our responsibility to concentrate on solving these problems our cities will grow shabbier, our poor will become poorer, and unless permanent economic controls are implemented, our prices will get much higher.

Any reasonable appraisal shows that we have met our obligations in Vietnam. We made a mistake. If we can squarely face that hard and gritty fact, end the war in Vietnam, and turn our attention to our own problems, we will be an even greater Nation than we are now.

Mr. MAHON. Mr. Chairman, has the Clerk concluded the reading of the bill?

The CHAIRMAN. No. The Clerk has not.

The Clerk will read.

The Clerk concluded the reading of the bill.

The CHAIRMAN. 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 that Committee having had under consideration the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, pursuant to House Resolution 704, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

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.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 343, nays 51, answered "present" 2, not voting 34, as follows:

[Roll No. 402]

YEAS—343

Abernethy	du Pont	Kuykendall
Adams	Dwyer	Kyl
Addabbo	Edwards, Ala.	Kyros
Anderson, Calif.	Erlenborn	Landgrebe
Anderson, Ill.	Esch	Landrum
Andrews, Ala.	Eshleman	Latta
Andrews, N. Dak.	Evans, Colo.	Leggett
Annunzio	Evins, Tenn.	Lennon
Archer	Fascell	Lent
Arends	Findley	Lloyd
Ashbrook	Fish	Long, La.
Ashley	Flood	Long, Md.
Aspinall	Flowers	McClory
Baker	Flynt	McCollister
Baring	Foley	McCormack
Begich	Ford, Gerald R.	McCulloch
Belcher	Forsythe	McDade
Bell	Fountain	McDonald, Mich.
Bennett	Frelinghuysen	McEwen
Bergland	Frenzel	McFall
Bevill	Frey	McKay
Biaggi	Fulton, Tenn.	McKinney
Biester	Fuqua	McMillan
Blanton	Galifianakis	Macdonald, Mass.
Boland	Gallagher	Madden
Bolling	Garmatz	Mahon
Bow	Gaydos	Mailliard
Brademas	Gettys	Mann
Brasco	Giaimo	Martin
Bray	Gibbons	Mathis, Ga.
Brinkley	Goldwater	Matsunaga
Brooks	Gonzalez	Mayne
Broomfield	Goodling	Mazzoli
Brotzman	Grasso	Meeds
Brown, Mich.	Gray	Melcher
Brown, Ohio	Green, Oreg.	Michel
Broyhill, N.C.	Griffin	Miller, Calif.
Broyhill, Va.	Gross	Miller, Ohio
Buchanan	Grover	Mills, Md.
Burke, Fla.	Gubser	Minish
Burke, Mass.	Gude	Mink
Burleson, Tex.	Hagan	Minshall
Burlison, Mo.	Haley	Mizell
Byrne, Pa.	Hall	Mollohan
Byrnes, Wis.	Hamilton	Monagan
Byron	Hammer-schmidt	Montgomery
Cabell	Hanley	Moorhead
Caffery	Hanna	Morgan
Camp	Hansen, Idaho	Morse
Carney	Hansen, Wash.	Moss
Carter	Harsha	Murphy, Ill.
Casey, Tex.	Harvey	Murphy, N.Y.
Cederberg	Hastings	Myers
Chamberlain	Hathaway	Natcher
Clancy	Hays	Nelsen
Clark	Hébert	Nichols
Clawson, Del	Heckler, Mass.	O'Hara
Cleveland	Heinz	O'Konski
Collier	Henderson	O'Neill
Collins, Tex.	Hicks, Mass.	Passman
Colmer	Hicks, Wash.	Patman
Conable	Hillis	Patten
Conte	Hogan	Pelly
Corman	Holifield	Pepper
Coughlin	Horton	Perkins
Crane	Hosmer	Pettis
Culver	Howard	Peyser
Daniel, Va.	Hull	Pickle
Daniels, N.J.	Hunt	Pike
Danielson	Hutchinson	Pirnie
Davis, Ga.	Ichord	Poage
Davis, S.C.	Jacobs	Poff
Davis, Wis.	Jarman	Powell
de la Garza	Johnson, Calif.	Preyer, N.C.
Delaney	Johnson, Pa.	Price, Ill.
Dellenback	Jonas	Price, Tex.
Denholm	Jones, Ala.	Pryor, Ark.
Dennis	Jones, N.C.	Pucinski
Dent	Jones, Tenn.	Purcell
Devine	Karth	Quie
Dickinson	Kazen	Quillen
Dingell	Keith	Railsback
Donohue	Kemp	Randall
Dorn	King	Rarick
Duncan	Kluczynski	Reid, N.Y.

Rhodes	Skubitz	Udall
Robinson, Va.	Slack	Ullman
Robison, N.Y.	Smith, Calif.	Van Deerlin
Rodino	Smith, Iowa	Vander Jagt
Roe	Smith, N.Y.	Veysey
Rogers	Snyder	Vigorito
Roncalio	Spence	Waggonner
Rooney, N.Y.	Springer	Wampler
Rooney, Pa.	Staggers	Ware
Rostenkowski	Stanton,	Whalley
Roush	J. William	White
Rousselot	Stanton,	Whitehurst
Roy	James V.	Whitten
Ruppe	Steele	Widnall
Ruth	Steiger, Ariz.	Wiggins
St Germain	Steiger, Wis.	Williams
Sandman	Stephens	Wilson, Bob
Satterfield	Stratton	Wilson,
Saylor	Stubblefield	Charles H.
Scherle	Stuckey	Winn
Schmitz	Sullivan	Wright
Schneebeli	Symington	Wyatt
Schwengel	Talcott	Wylie
Scott	Taylor	Wyman
Sebelius	Teague, Calif.	Yatron
Shipley	Teague, Tex.	Young, Fla.
Shoup	Terry	Young, Tex.
Shriver	Thomson, Wis.	Zablocki
Sikes	Thone	Zion
Sisk	Tiernan	Zwach

NAYS—51

Abourezk	Ford,	Obey
Abzug	William D.	Rangel
Aspin	Fraser	Rees
Badillo	Green, Pa.	Reuss
Barrett	Harrington	Rosenthal
Bingham	Hawkins	Roybal
Burton	Hechler, W. Va.	Ryan
Carey, N.Y.	Helstoski	Scheuer
Chisholm	Hungate	Seiberling
Clay	Kastenmeier	Stokes
Collins, Ill.	Koch	Thompson, N.J.
Conyers	Lujan	Vanik
Dellums	McCloskey	Waldie
Dow	Metcalfe	Whalen
Drinan	Mitchell	Wolff
Eckhardt	Mosher	Yates
Edwards, Calif.	Nedzi	
Eilberg	Nix	

ANSWERED "PRESENT"—2

Riegle	Thompson, Ga.

NOT VOTING—34

Abbitt	Cotter	Link
Alexander	Derwinski	McClure
Anderson,	Diggs	McKevitt
Tenn.	Dowdy	Mathias, Calif.
Betts	Downing	Mikva
Blackburn	Dulski	Mills, Ark.
Blatnik	Edmondson	Podell
Boggs	Edwards, La.	Roberts
Celler	Griffiths	Runnels
Chappell	Halpern	Sarbanes
Clausen,	Keating	Steed
Don H.	Kee	Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of Georgia for, with Mr. Podell against.

Mrs. Griffiths for, with Mr. Mikva against.

Mr. Boggs for, with Mr. Diggs against.

Until further notice:

Mr. Steed with Mr. Betts.

Mr. Link with Mr. Keating.

Mr. Roberts with Mr. Blackburn.

Mr. Runnels with Mr. Don H. Clausen.

Mr. Chappell with Mr. Derwinski.

Mr. Celler with Mr. Halpern.

Mr. Alexander with Mr. McClure.

Mr. Kee with Mr. McKevitt.

Mr. Dulski with Mr. Wydler.

Mr. Edmondson with Mr. Mathias of California.

Mr. Abbitt with Mr. Cotter.

Mr. Blatnik with Mr. Anderson of Tennessee.

Mr. Mills of Arkansas with Mr. Dowdy.

Mr. THOMPSON of Georgia. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. PODELL). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Defense appropriation bill just passed.

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

There was no objection.

REQUEST TO ADJOURN TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow morning.

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

Mr. CRANE. I object, Mr. Speaker.

FOREIGN AID AUTHORIZATION, 1972

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 710, Rept. No. 92–674), which was referred to the House Calendar and ordered to be printed:

H. RES. 710

Resolved, That immediately upon the adoption of this resolution and without the intervention of any point of order the bills of the Senate S. 2819 and S. 2820 are hereby taken from the Speaker's table; that said Senate bills are hereby amended by striking out all after the enacting clause of each such Senate bill and inserting in lieu thereof the text of the bill H.R. 9910 as passed by the House on August 3, 1971; that the said Senate bills as so amended shall be considered as read a third time and passed; that the title of each such Senate bill shall be amended by striking out such title and inserting in lieu thereof the title of H.R. 9910; that the House insists upon its amendments to each such Senate bill and requests conferences with the Senate, and that the Speaker appoint managers on the part of the House to attend each such conference.

AMENDMENTS BY MR. THOMPSON OF NEW JERSEY TO AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 11060, A BILL TO LIMIT CAMPAIGN EXPENDITURES

Mr. THOMPSON of New Jersey. Mr. Speaker, at the appropriate time during consideration of H.R. 11060, a bill to limit campaign expenditures, I intend to offer an amendment to the text of H.R. 11280 if the text of that bill is offered as an amendment in the nature of a substitute for H.R. 11060. I ask unanimous consent to have the amendment printed in the RECORD.

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

There was no objection.

The text is as follows:

AMENDMENTS OFFERED BY MR. THOMPSON OF NEW JERSEY TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED TO H.R. 11060

(Page and line references to H.R. 11280.)

Page 23, strike out lines 19 and 20 and insert in lieu thereof the following:

(g) "Registry" means the Registry of Election Finance, established by section 310(a);

(h) "Board" means the Federal Elections Board, established under section 310(b);

Page 23, line 21, strike out "(h)" and insert in lieu thereof "(i)".

Page 23, line 24, strike out "(i)" and insert in lieu thereof "(j)".

Page 25, line 21, strike out "Commission" and insert in lieu thereof "Board".

Page 26, beginning on line 9, strike out "Federal Elections Commission" and insert in lieu thereof "Registry of Election Finance".

Page 26, line 13, strike out "Commission" and insert in lieu thereof "Registry".

Page 26, line 16, strike out "him" and insert "the Registry".

Page 27, line 6, strike out "Commission" and insert in lieu thereof "Board".

Page 27, line 11, strike out "Commission" and insert in lieu thereof "Registry".

Page 27, beginning on line 17, strike out "Commission at such time as it prescribes" and insert in lieu thereof "Registry at such time as the Board prescribes".

Page 28, line 23, strike out "Commission" and insert in lieu thereof "Board".

Page 29, beginning on line 1, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 7, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 12, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 13, strike out "it" and insert in lieu thereof "the Board".

Page 29, line 18, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 7, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 9, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 12, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 1, strike out "Commission" and insert in lieu thereof "Registry".

Page 33, line 15, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 16, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 23, strike out "Commission" and insert in lieu thereof "Board".

Page 34, line 23, strike out "Commission" and insert in lieu thereof "Registry".

Page 34, line 34, strike out "it" and insert in lieu thereof "the Board".

Page 35, strike out lines 3 through 8 and insert in lieu thereof the following:

"Duties of the Registry and Board

"SEC. 208. (a) It shall be the duty of the Registry—

"(1) to furnish such forms as the Board may prescribe for the making of reports and statements required to be filed with the Registry under this title to the person required under this title to file such reports and statements;"

Page 36, beginning on line 15, strike out "it shall determine and broken down into" and insert in lieu thereof "the Board shall determine for".

Page 36, line 21, strike out "it shall determine and broken down into" and insert in lieu thereof "the Board shall determine for".

Page 37, line 1, insert "as the Board directs" before "special".

Page 37, line 5, strike out "it" and insert in lieu thereof "the Board".

Page 37, line 8, insert "and" after the semicolon.

Page 37, strike out line 13 and all that

follows down through line 23 on page 38, and insert in lieu thereof the following:

"quired under the provisions of this title.

"(b) It shall be the duty of the Board—

"(1) to direct the activities of the Registry to assure that it carries out the duties required of it under subsection (a) of this section;

"(2) to report apparent violations of law to the appropriate law enforcement authorities and take appropriate action under subsection (c); and

"(3) to prescribe such rules and regulations, and to take such other actions, as it determines are necessary or appropriate to carry out the provisions of this title.

"(c) (1) Any person who believes a violation of this Act has occurred may file a complaint with the Registry. If the Board determines there is substantial reason to believe such a violation has occurred, it shall direct the Registry to expeditiously make an investigation of the matter complained of. Whenever in the judgment of two-thirds of the members of the Board, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act or any regulation or order issued thereunder, the Board shall institute a civil action for appropriate relief in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or preliminary injunction or temporary restraining order may be granted without bond by such court, but no temporary restraining order may be granted without hearing.

"(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(3) The courts of appeals shall have jurisdiction of appeals from orders issued under paragraph (1) in accordance with chapter 83 of title 28, United States Code."

Page 39, line 11, strike out "Commission" and insert in lieu thereof "Registry".

Page 39, line 16, strike out "Commission" and insert in lieu thereof "Board".

Page 40, line 11, insert before the semicolon the following:

": *Provided* that any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose"

Page 40, strike out line 15 and all that follows down through line 20 on page 43 and insert in lieu thereof the following:

"Registry of Election Finance and Federal Elections Board

"SEC. 310. (a) There is hereby created in the General Accounting Office a Registry of Election Finance.

"(b) In carrying out the duties prescribed by this Act the Registry shall be subject to the direction of a Board to be known as the Federal Elections Board, which shall be composed of seven members consisting of the Comptroller General of the United States, and six appointive members who shall be chosen from persons who, by reason of maturity experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the duties of the Board. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the President. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the Speaker of the House of Representatives. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the President pro tempore of the Senate. Of the members (other than the Comptroller General) who first take office—

"(1) one shall be appointed for a term of two years, beginning from the date of enactment of this Act,

"(2) one for a term of four years, beginning from such date,

"(3) one for a term of six years, beginning from such date,

"(4) one for a term of eight years, beginning from such date,

"(5) one for a term of ten years, beginning from such date, and

"(6) one for a term of twelve years, beginning from such date,

as designated by the Comptroller General at the time such members take office; but their successors shall be appointed for terms of twelve years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. No appointive member of the Board may be a Member of Congress or an officer or employee of the House or Senate. The Board shall designate one member to serve as Chairman of the Board and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(c) A vacany on the Board shall not impair the right of the remaining members to exercise all the powers of the Board; except that four members thereof shall constitute a quorum.

"(d) The Registry shall have an official seal which shall be judicially noticed.

"(e) The Board shall at the close of each fiscal year report to the Congress and to the President concerning the actions it has taken; the names, salaries, and duties of all individuals in the Registry's employ and the money the Registry has disbursed; and shall make such further reports on the matters within the Board's jurisdiction and such recommendations for further legislation as may appear desirable.

"(f) (1) Subject to paragraph (2), members of the Board shall, while serving on the business of the Board, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board.

"(2) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Board.

"(3) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

"(g) The principal office of the Registry shall be in or near the District of Columbia, but the Board may meet or exercise any of its powers at any other place.

"(h) All officers, agents, attorneys, and employees of the Registry or the Board shall be subject to the provisions of sections 7323 and 7324 of title 5, United States Code (relating to political activities of Federal employees), notwithstanding any exemption contained in either such section.

"(i) The Board shall appoint an Executive Director of the Registry without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Board. The Executive Director shall be responsible for the administrative operations of the Registry and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Board. However, the Board shall not delegate the making of regulations regarding elections to the Executive Director.

"(j) The Board shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Registry in accordance with the provisions of title 5, United States Code.

"(k) The Board may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(l) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(131) Executive Director, Registry of Election Finance.'

"(m) In carrying out its responsibilities under this title, the Board shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Registry such personnel, facilities, and other assistance, with or without reimbursement, as the Board may request."

Page 44, line 10, strike out "Commission shall" and insert in lieu thereof "Board shall direct the Registry to."

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 711, Rept. No. 92–675), which was referred to the House Calendar and ordered to be printed:

H. RES. 711

Resolved, That it shall be in order to consider a conference report on the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, the same day reported on any day thereafter, notwithstanding the provisions of clause 2, Rule XXVIII.

HOUR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

TAKEN AT THE FLOOD

The SPEAKER pro tempore (Mr. BOLLING). Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STEIGER of Arizona. Mr. Speaker, it is with a great deal of pride that I stand here today and talk about a bill

that I am introducing—a bill that will have great meaning to millions of Americans concerned with individual freedom.

To paraphrase William Shakespeare:

If there are tides in the affairs of men which, when taken at their flood, lead on to fortune.

So, too, are there tides in the fortunes of social causes and movements which, if properly grasped, can propel them to dizzying heights.

In a speech a few years ago a great American U.S. Senator, Everett McKinley Dirksen, said that just such a tide had occurred for American labor in the mid-1930's, a tide, he said, "which was to lead to union power and privilege exceeding the visionary dreams of the most zealous of labor partisans, and to result in passage of the National Labor Relations Act in 1935, a statute which gave unions such an abundance of riches that for the next 20 years they virtually staggered under the load."

At the very top of the list of special benefits which this new Federal bonanza gave union officials was the right—the exclusive right—to represent all workers, union and nonunion alike, in any bargaining unit in which a union achieved majority status. Along with this privilege the act also authorized agreements between unions and employers that would require all employees to join the union and pay dues as a condition of employment.

As Senator Dirksen pointed out, union officials were quick to take advantage of the tide and made compulsory union membership their major organizing and bargaining goal. Under the sanction of Federal law, labor officials were so successful that from 1935 to 1945 union membership rose from 2 million to about 17 million. No accurate estimate can be made as to how many of these 17 million members were dragooned into the unions under compulsory union shop agreements but Senator Dirksen said a reasonable guess was between 2 and 3 million.

In spite of this amazing success, the officials of organized labor have never been able to convince the American people of the rightness of compulsory unionism and, beginning in 1944, some 19 States enacted right-to-work laws outlawing compulsory union membership. Eleven of these State laws were in force at the time Congress adopted the Taft-Hartley Act amendments to the NLRA in 1947, including the now famous section 14(b) that authorizes State right-to-work laws.

Eighteen years later—just 7 years ago—the advocates of compulsory unionism appeared to be riding the tide at its flood and the repeal of section 14(b) seemed imminent. But opposing them were Senator Dirksen and a stalwart bipartisan band of Senators who believed in individual rights for all Americans.

During the course of an extended Senate debate numerous constitutional arguments were made in support of the right-to-work principle, with many Senators expressing the view that compulsory union membership and coerced payment of union dues runs counter to the basic concepts of individual freedom expressed in the first, fifth, and 14th amendments to the Constitution and seriously infringes those rights. No person, Senator Dirksen argued, should be required to belong to or pay money to any private organization for the right to earn a living for himself and his family.

In this, they reflected the instinctive reaction of the American public. The fantastic flood of mail which poured into congressional offices during the debates ran as high as 20 to 1 against repeal, and every opinion research poll taken throughout the country by newspapers and professional pollsters showed the general public overwhelmingly opposed to the idea of forcing a man to join a union in order to keep his job.

The Chicago Daily News said:

Few things in life are more basic than the right of an individual to choose the method by which he earns his livelihood.

The Washington Daily News said:

We hold that any person has a right to join a union. He should have the same right not to join. He should not be coerced either by his factory-boss or by the union boss. Or should we quit pretending this is still a free country?

The Miami Herald said:

The right to join a labor union must be balanced by the right to stay out, if individual freedom is to be preserved.

The Portland Oregonian put it this way, saying:

We see little difference in the area of human rights between denying a person employment because of color, religion, race or sex and denying a person employment because he will not join a union.

The Philadelphia Inquirer commented:

It is one of the remarkable anomalies of our times that people who cherish their designation as "liberals" should be in the forefront of those pressing for compulsory unionism.

And the Worcester, Mass., Gazette put it so eloquently, saying:

Any federal action denying this civil right to the country's working man, would tend to make a mockery of recent executive, judicial and legislative action in behalf of other civil rights.

Section 14(b) was not repealed, thanks to Senator Dirksen and his allies. The tide had been turned.

Since then the opponents of compulsory union membership have steadily been gaining strength.

In 1970 this body debated and enacted by a wide margin a right-to-work law covering postal employees. The amendment to the postal reorganization bill was sponsored by Congressman DAVID HENDERSON and Congressman H. R. GROSS—and passed by a wide margin. Congress had spoken and its intent was clear—compulsory union membership is wrong and we must do something about it. By the way both Congressman HENDERSON and Congressman GROSS, I am pleased to say, are cosponsoring the bill I am introducing today.

Early this year the Senate again debated the use of compulsory dues for political spending, and defeated an amendment to the campaign reform bill introduced by Senator PETER DOMINICK. But 38 Members of that legislative body said, "No, it is wrong to take money forcibly from any American and spend it on political candidates and ideological causes he opposes."

Finally, just a month ago, the House Administration Committee approved an amendment to its campaign reform bill that would curb the use of compulsory dues for politics. That bill is now before the House.

Yes, the tide is building up. As the respected National Right to Work Committee said recently:

With almost unanimous agreement by the public and by most respected economists, that excessive union power is a key factor in bringing our nation to the brink of economic disaster, Congress and the President have the opportunity to deliver a telling blow at a root cause of union monopoly: compulsory union membership. Failure to deal with the fundamental problem of unrestrained union power—

The committee prophesied:

will leave no alternative to permanent straitjacket government regulation of the economy.

The point has not been lost by the majority of Americans who oppose compulsory unionism and most labor union members. In fact, according to a recent survey of union members by Opinion Research Corp. more than two-thirds of them place a negative rating on the performance of union officials, both in advancing the interest of union members and in meeting their public responsibilities.

The confidence gap is real. Most union members feel that their present union officials do not represent them. The union officials are not there because the members want them. The union officials are there because of compulsory union shop contracts which make it impossible to get rid of them. Poll after poll has shown this to be true, including a secret study done by AFL–CIO officials in 1967.

In 1935 Congress took the radical step of authorizing the forced unionization of workers who would not voluntarily affiliate with, and pay dues to, labor organizations. Experience has shown this to be a boon for union officials at the expense of the rank-and-file worker—many of whom did not want to be represented by the labor officials to begin with. The time has never been more ripe for the removal of this sanction. The vast majority of the American people want Congress to take action on this problem. They believe that each worker should be free to decide whether or not he will join a labor organization.

Mr. Speaker, the time is ripe, and if there are tides in the affairs of men which when taken at their flood lead on to fortune so too are there tides in the fortunes of social causes and movements which, if properly grasped, can propel them to dizzying heights.

I think the time is here to open the flood gates, so I have today introduced a bill that amends the NLRA and the Railway Labor Act by deleting those provisions authorizing compulsory unionism.

This bill is not antilabor but proworker.

This bill will not interfere with a union's right to organize, nor its right of collective bargaining.

This bill merely changes Federal policy favoring compulsory unionism to one favoring voluntary union membership in all 50 States.

In closing let me say that it seems to me to be amazing that we here in the United States who are so preoccupied and concerned with individual liberties have so long tolerated such a flagrant abuse of individual liberty as compulsory unionism. It is time to stand up for freedom.

The bill reads as follows:

To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7 of the National Labor Relations Act is amended by striking out "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3)."

(b) Section 8(a)(3) of such Act is amended by striking out all of section 8(a)(3) after "labor organization" the first time it appears and inserting in lieu thereof a semicolon.

(c) Section 8(b)(2) of such Act is amended by striking out everything after "subsection (a)(3)" and inserting in lieu thereof a semicolon.

(d) Section 8(f) of such Act is amended by striking out clause (2), and by redesignating clauses (3) and (4) as (2) and (3) respectively.

Sec. 2. The Railway Labor Act is amended by striking out section 2, Eleventh, thereof.

A list of the cosponsors of the bill follows:

David Henderson, of North Carolina.
William J. Scherle, of Iowa.
W. M. Abbitt, of Virginia.
James Haley, of Florida.
Bill Archer, of Texas.
Ben B. Blackburn, of Georgia.
Earl F. Landgrebe, of Indiana.
O. C. Fisher, of Texas.
Robert Price, of Texas.
J. Kenneth Robinson, of Virginia.
William Scott, of Virginia.
John Schmitz, of California.
H. Allen Smith, of California.
James Collins, of Texas.
Edwin Eshleman, of Pennsylvania.
LaMar Baker, of Tennessee.
H. R. Gross, of Iowa.

Mr. SCHMITZ. Mr. Speaker, we Members of the House are duty bound to carefully weigh two irrefutable facts pertaining to this proposed change in our Federal labor policy.

The first of the unassailable facts is that millions of American wage earners are now being compelled to pay money to labor unions as a condition of earning their livelihood. Their failure or refusal to pay union dues or fees will cause them to lose their jobs. The Congress authorized this compulsion in the National Labor Relations Act and the National Railway Labor Act.

The second indisputable fact is that compulsory union dues are being used to support political candidates and causes which the duespayers would not willingly support if they were given a free choice.

Time and time again we have been told by union spokesmen and their allies that union political activities are financed exclusively by voluntary contributions.

This fiction is belied by the constitution of the Nation's second largest labor organization, the United Automobile, Aerospace and Agricultural Implement Workers International Union, which is commonly identified as the UAW.

Earlier this year UAW attorneys boasted publicly that—

It is the only international union in this country which provides a procedure by which individual members, as a matter of conscience, may dissent from the political activity of the UAW and enter an objection to the expenditure of a portion of their dues for political purposes.

This is a boast which merits the attention of the Congress and the American people. It clearly and unmistakeably acknowledges the diversion of union dues—as distinguished from voluntary contributions—into political channels.

Article 16, section 7 of the UAW constitution stipulates:

Any member shall have the right to object to the expenditure of a portion of his dues money for activities or causes primarily political in nature. The approximate proportion of dues spent for such political purposes shall be determined by a committee of the (union's) International Executive Board, which shall be appointed by the President, subject to the approval of said Board.

However, a dissenting member's objection will be considered only if he files his objection within 14 days after he becomes a member of UAW, or during a 14-day period following each anniversary of his union membership.

The UAW's lawyers admitted:

Since its inception, the UAW has considered political activity as part and parcel of its total function.

They said:

The union's officers have engaged in political spending in obedience to the union's constitution and convention mandates.

And, according to the union's attorneys:

The Congress has given its approval to political and ideological expenditures by union officers.

Mr. Speaker, I challenge this interpretation of the labor laws enacted by the Congress. The legislative branch has intended, and the courts have so ruled, that union dues are to be used only to defray the costs of negotiating and administering collective agreements.

The Supreme Court held in the Street case (*International Association of Machinist* v. *Street*, 367 US 740, 763, 6 L Ed 2nd 1158 (1961)):

Congress contemplated compulsory unionism to force employees to share the costs of negotiating and administering collective agreements and the costs of the adjustment and settlement of disputes. One looks in vain for any suggestion the Congress also meant to provide the unions with a means of forcing employees over their objection, to support political causes which they oppose.

This information pertinent to the UAW came to light as a consequence of a lawsuit filed in mid-March of this year by some of the rank-and-file members who oppose the union's partisan political action. They are employed at the General Motors Corp.'s Fisher Body plant at Willow Springs, Ill., and their formal complaint names UAW President Leonard Woodcock and four other officials of that union as defendants. The lawsuit demands an accounting of the union's political and ideological expenditures and repayment of money which they contend was spent illegally.

These dissenting members allege that Community Action Program Councils are being used as the UAW's political arm to channel dues money into the campaigns of candidates favored by the union's hierarchy.

According to a brief filed on behalf of the employee plaintiffs:

It is mandatory that each UAW local set aside a minimum of 3% of each member's monthly membership dues as a per capita payment of the Community Action Program fund. Membership dues average $10.00 a month, or $120.00 per member per year, paid by the 1.5 million UAW members. A simple mathematical projection shows that the total membership dues paid to the UAW amounts to $180 million a year, and the 3% mandatory assessment for CAP thus amounts to $5.4 million annually. The defendant UAW officers have never provided the union members with a report or an accounting showing how they have used this money.

These employee plaintiffs who are objecting to the union's use of their dues money for political causes they disapprove have only two options. One, they can resign from the union which would cause them to lose their jobs; or two, turn to the courts as they have done.

A third option must be made available to these union members as well as all of America's working men and women, an option that would permit an individual to drop his membership in a union and still retain his job.

Mr. Speaker, Congress can provide this latter option by favorably considering a National Right to Work Law.

Mr. BLACKBURN. Mr. Speaker, Great Britain's labor unions, wrote political reporter Anthony Lejeune recently, "have acquired the status of feudal barons. Governments are afraid to touch them, no matter what the national interest requires. This is a menace which affects the whole nature and continuance of free Western society."

This problem is not unique to Britain. Our governments have been known to jump through the hoop at a union official's call. Both Presidents Franklin Roosevelt and Lyndon Johnson, at first opposed to compulsory unionism, ended up supporting it because the union hierarchy insisted they must.

AFL–CIO President George Meany has been identified as "the most powerful political figure in the United States and I am not sure I would exclude President Nixon."

Those words should give us pause, pause, spoken as they were this year by nationally syndicated columnist and labor expert Victor Riesel. Has our democratic process become so distorted that a single union official is more powerful than the man democratically elected by the American people? How has this come about?

The answer can be found in a June Reader's Digest article titled "Where Labor Gets Its Political Muscle." The author says:

The development of this awesome political muscle became possible after Congress granted unions the power to make contracts forcing workers—if they want to keep their jobs—to join unions and pay dues (the union shop) or to pay a fee to unions in lieu of joining (the agency shop).

Increasingly, unions are using (these) compulsory dues to back causes and candidates of the leaders' choosing, without regard to whether any individual worker agrees with the choice.

This repugnant practice, therefore, became possible only after we in the Congress gave union professionals the power of compulsory unionism; only after we wrote into law a national labor policy that robs American workers of their individual and political freedom.

It is time, I submit, to change that policy. This can only be done through adoption of a national right-to-work law. Serious reflection leads me to believe that this is the only vehicle to correct an abuse that gnaws at the very vitals of the United States as a representative government.

We are told that the Federal Corrupt Practices Act prohibits unions from contributing any money to candidates for Federal office. Gentlemen, how ineffectively that bars the injection of compulsory dues money into the American political process is attested to by AFL–CIO President George Meany himself.

He said last year:

You know we have these laws on the books—and they have been there for many, many years—Corrupt Practices Act and so forth—and honored, as far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money as long as he gets it when he gets into a campaign.

Union officials have hidden behind the flimsy shelter of the Corrupt Practices Act for years, while singsonging the phrase that the forced dues of rank-and-filers cannot possibly be used for political purposes.

But this fiction, thanks to Mr. Meany and a little commonsense, has now been exploded, the common refrain is "Give a Buck to COPE." COPE is the AFL–CIO's "voluntary" political arm, known as the Committee on Political Education. This year it is "five bucks to COPE," perhaps because of inflation.

At any rate, if every union member in the country gave a "buck to COPE" this would net union professionals a war-chest of $18 million. Yet one authoritative labor observer states categorically that union officials shoveled out $60 million for the 1968 presidental campaign alone.

Why the discrepancy? Theodore H. White, respected author of "The Making of the President, 1968," offers a clue:

The dimension of the AFL–CIO effort . . . can be caught only in its final summary figures: The ultimate registration, by labor's efforts, of 4.6 million voters; the printing and distribution of 55 million pamphlets and leaflets out of Washington, 60 million more from local unions; telephone banks in 638 localities, using 8,055 telephones, manned by 24,611 union men and women and their families; some 72,225 house-to-house canvassers; and, on Election Day, 94,357 volunteers serving as car-poolers, materials distributors, baby-sitters, poll-watchers, telephoners.

Sooner or later we in the Congress will have to face up to the problem of the pressures placed on us by groups, organizations, and individuals who think in terms of selfish interest.

The Nation's workers should not be forced to pay union dues that are used for political purposes with which they disagree. The national right-to-work law would solve this problem.

It is the only meaningful legislation that would remove the inordinate political clout of union officials. As Justice Arthur Goldberg, writing for himself, the Chief Justice, and Justice Brennan, stated, in *Griswold* v. *Connecticut* 381 U.S. 479 (1964),

The concept of liberty protects those personal rights that are fundamental, and is not confined to the specific terms of the Bill of Rights . . . the language and history of the Ninth Amendment reveals that the Framers of the Constitution believed that there are additional fundamental rights protected from governmental infringement, which exist along side those fundamental rights specifically mentioned in the first eight constitutional amendments.

Certainly among those rights is the right to work without being enshrouded in the garments of political slavery. As one of the Framers of the Constitution, Thomas Jefferson, once wrote:

To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Mr. PRICE of Texas. Mr. Speaker, I rise today to cosponsor legislation which would amend the two basic Federal industrial relations statutes—the National Labor Relations Act and the Railway Labor Act—by deleting that language of these two statutes which permits union officials and employers to negotiate agreements requiring employees to pay union dues as a condition of employment. The bill would not make it illegal for a plant to be 100 percent union. It would only make agreements illegal which require a plant to be 100 percent union. At present, 19 States have right-to-work laws prohibiting the "union shop," where a worker must join the union within 30 days after being hired, and similar forms of mandatory union membership and support. Our bill would extend the right-to-work principle throughout the Nation.

I am cosponsoring this legislation today because I believe that the freedom to associate or not to associate with private organizations, such as unions, and the freedom not to associate with such groups is a basic American right derived from democratic and constitutional concepts. Compulsory unionism is a violation of this right. By contrast compulsory unionism does not exist in most Western European nations. It is prohibited by constitution, statute, or judicial decision in France, West Germany, Belgium, Holland, Denmark, Austria, and Switzerland. In fact, the United Nations, which is revered by most "liberals" in the United States, has itself in 1958 adopted a Declaration of Human Rights which states in article 20 that "Everyone has the right to freedom of peaceful assembly and association," but "No one may be compelled to belong to an organization." It seems clear to me that we here in the United States, and particularly those of us who regard ourselves as the enlightened leaders of the Free World nations, should not permit a type of compulsion abhorrent to the United Nations and prohibited by most of our Western European allies.

I support national right-to-work legislation also because it would represent a major step toward restoring a balance of power between organized labor and management. The health and vigor of democracy needs at least a rough balancing of the power of the various pressure groups competing for legislative, executive, and judicial favor and influence. If any one interest group achieves overriding power, then democracy fades and authoritarianism flourishes.

When the Wagner Act was passed in 1935 with a provision permitting the negotiation of contracts providing for the union shop, organized labor was weak relative to employers. Public policy was to strengthen unionism so that it could effectively represent the worker with a minimum of Government help and intervention. Today the situation is generally the reverse. Labor has the upper hand. Management, let us never forget, is the source of jobs. If management does not provide jobs, who will? More and more the unemployed are turning to the Government for work. This is a chilling trend, because in that direction lies socialism.

I believe that public policy today should strive to strengthen the hand of the employer in his bargaining with organized labor. The power of the unions to bring our economy to a halt with nationwide and regional strikes is all too evident. We have seen it more than once in recent years in the railroad industry. In the past 2 years we have seen crippling strikes in trucking, automotive production, electric products manufacture, even in the Federal Postal Service. Today emergency situations exist because of dock strikes and the coal strike.

The power of organized labor goes beyond the bullying of capital. Events of the last couple of months, in connection with the President's economic stabilization program, have shown us that labor has the might to force even the White House to bend the knee.

According to a 1970 survey by the Bureau of National Affairs of 400 collective bargaining agreements, 90 percent require membership in the union or, where membership is not actually required, compulsory payment of fees in lieu of union dues. These mandatory financial contributions are the source of a large part of organized labor's muscle. If the unions can get these contributions through voluntary association by the workers, fine. It is association by coercion that I object to, and that our bill would prohibit.

Texas, the State that I represent, has had a right-to-work law since 1947. During that time Texas has thrived economically. Between 1959 and 1969, the number of manufacturing jobs in Texas rose by 53 percent. For all 19 right-to-work States as a group including Texas, the number of manufacturing jobs over the 1959–69 period rose by 45 percent. In

contrast, the number of such jobs over the same time span rose in the States without right-to-work laws by only a 15 percent average. It is true that many factors fuel industrial growth besides prohibition of compulsory unionism, but I firmly believe that such prohibition encourages industrial development, brightens the profit picture, provides jobs, and exerts a moderating pressure on wage demands and consequent price increases.

Farmworkers are not now covered by any Federal collective bargaining statute, but the time probably is not too far distant when they will be. This makes it all the more imperative to amend the National Labor Relations Act now. Compulsory unionism for farmworkers would only help to speed the unfortunate exodus of small farmers out of agriculture into the already overcrowded cities, and would raise farm prices. Since the poorer families expend a higher proportion of their incomes for food, increases in farm prices operate as a sort of regressive tax—a tax imposed on the poor by the special interest unions.

Mr. Speaker, there is much truth to the old cliche that two wrongs do not make a right. In other words, the excesses of big business of the early 20th century have, like the swinging of a clock pendulum merely succumbed to more recent excesses of big labor, neither of which in the long run can serve the Nation's best interest. The time has come to redress the balance, and I strongly urge the prompt enactment of this bill I am cosponsoring today.

Mr. ROBINSON of Virginia. Mr. Speaker, I am a cosponsor of legislation which is intended to insure that no employee anywhere in the United States, be required to join a labor union in order to retain his employment, because of a provision in a collective bargaining agreement.

This certainly is not a revolutionary concept. Virginia, for example, has had a statute of this kind in effect for a number of years, as have other States. Although there has been some objection to the term as not being precisely descriptive, such statutes are commonly referred to as "right-to-work" laws.

Obviously, the language of the existing State statutes, or of the proposed Federal one, does not guarantee anyone that he will be hired, or that he will not be discharged for nonperformance, or because of changing economic conditions affecting his employer.

The protection provided is against any requirement that the employee once hired, join a labor organization by a deadline fixed in a labor-management contract.

Organized labor insists that "maintenance-of-membership" provisions in collective bargaining agreements not only are essential to the continued vigor of unions, but also are justified on equitable grounds, in that they operate to insure that all who benefit directly from gains in wages and working conditions obtained through collective bargaining contribute to the operating costs of the bargaining agent—the union.

If I were a union official, or organizer, I should regard the "union shop," or maintenance-of-membership, provision as creating a very comfortable state of affairs. I would know that it would not be necessary for me to "sell" new employees on the advantages of union membership, because they would be required to join in order to stay on the job.

When a legislator, State or Federal, supports a so-called right-to-work law, he is likely to be branded antiunion. Since first becoming a candidate for the Senate of Virginia, I have taken that position and accepted the risks, but I insist that one does not have to harbor an animus toward unions per se—as I do not—in order to see merit in the type of protection for the individual worker which we are discussing today.

The place of the labor organization—the union—in our free enterprise system is well-established. The excesses of some labor leaders in the use of the economic power which they have amassed is not the subject of the legislation which I have joined in sponsoring in the House. They are a matter for other approaches.

What is pertinent is something which seems to require correction in the interest of simple fairness and common sense—the fact that there are many instances in the United States in which a qualified individual who is hired by an employer impressed by his qualifications thereupon becomes subject to the necessity of affiliating with a particular labor organization—the necessity, not the choice—because of a provision of a contract the employer has signed with that organization.

The employee is not permitted to evaluate the objectives and services of the organization and then decide to join or not to join.

The organization is not required to maintain its membership through its own record of performance in serving its members.

As I have said, this may contribute to the security of the union official or organizer, but it also removes the free choice of the worker. It is that free choice that I want to guarantee on a nationwide basis.

Mr. BAKER. Mr. Speaker, the power now being exercised by big labor union officials under existing Federal laws confirms the wisdom of Lord Acton's observation:

Power tends to corrupt, and absolute power corrupts absolutely.

Among the powers now wielded by the union hierarchy is the authority to discipline both voluntary and involuntary members. This particular power has been reinforced by a series of rulings by the National Labor Relations Board and the courts. The most recent decisions on this question by the U.S. Supreme Court are *NLRB* v. *Allis-Chalmers Manufacturing Co.*, 388 U.S. 175, 195 (1967) and *Scofield* v. *NLRB*, 393 U.S. 995 (1969).

The question raised by the Scofield case was whether a labor organization can legally impose fines upon members and suspend them for exceeding a piece-work ceiling. In 1961 UAW local 283 levied fines of $50 to $100 on Scofield and other employees of the Wisconsin Motor Corp. and also suspended them for 1 year. Its purpose was to penalize them for exceeding a limitation on productivity.

After the workers refused to pay the fines, the union brought suit in State court to collect the fines. The employee defendants sought relief from the National Labor Relations Board, but relief was not forthcoming. The Board, the Court of Appeals for the Seventh Circuit, and the U.S. Supreme Court all ruled against the protesting employees.

In the Allis-Chalmers case, the Supreme Court ruled that a union may legally fine members who choose to cross picket lines in order to continue working during a strike.

These decisions have produced an unhealthy rash of union fines, which are being used by union officials as a weapon for controlling restive and rebellious members.

Among the other offenses for which unions have fined members are—

First, accusing a union official of misconduct,

Second, filing a petition with the NLRB for the purpose of removing the union as the workers' exclusive bargaining agent,

Third, failing to attend union meetings,

Fourth, filing an unfair labor practice charge against a union official, and

Fifth, failing to serve on a union picket line during a strike.

Fines imposed by unions on their members have ranged in size from $20 in the Allis-Chalmers controversy to $21,500 in a Writer's Guild case.

Clearly, this weapon is being brandished by big union officials to convince the individual union member that the only way he can escape union discipline is to remain in their good graces. Our proposed legislation is indeed a workers' "bill of rights" for both union and nonunion people.

Union spokesmen profess to protect workers from employer abuses. In today's economic society the union member's need is more nearly for protection from his big union boss than from other assaults.

The union's right to bargain for the member is established by Federal statute. That some statute permits the dragooning of the individual worker into the union. My State of Tennessee has a long established right-to-work law. It has weathered many attacks and reflects the independence and confidence of our workers.

Inevitably, the privileges conferred by the Congress upon unions have spawned intolerable abuses. The proposed legislation now under discussion will restore full freedom of choice to the Nation's working men and women. The work force and the entire Nation will benefit from the removal of the weapon of compulsory unionism from the hands of the union hierarchy. We can do no less for our people who love freedom.

INTRODUCTION OF RIGHT-TO-WORK PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ESHLEMAN) is recognized for 30 minutes.

Mr. ESHLEMAN. Mr. Speaker, there are many valid reasons why the Congress

should reverse a Federal policy which, in effect, forces millions of workers to pay for unwanted union representation.

Foremost among these reasons, of course, is the concept embedded in the very marrow of our citizens: that Americans are free men, beholden to no private organization for the right to share in the fruits of this bountiful land.

Who can argue with this? It is the heritage of free men.

However, our predecessors in the Congress unwisely restricted individual freedom when they enacted the National Labor Relations Act in 1935. They put the Federal Government's stamp of approval on collective bargaining agreements designed to deny employment opportunities to nonunion workers.

That is exactly what happens under compulsory union shop arrangements. Since such arrangements are legal in those States where workers are not protected by right-to-work laws, union officials invariably place the highest priority on demands for compulsory unionism. This gives them the right to exact forced dues money from all workers in the bargaining unit with which to pursue far-ranging economic, political, and social schemes. The worker either pays the dues or gets fired.

Compulsory unionism clauses are written into contracts, almost without exception, as tradeoffs between union professionals and employers for considerations important to one or the other. Result: Usually less money for the workers the union professionals claim to represent.

Make no mistake. Today employers across the country are deducting huge sums of money in the form of union dues from the paychecks of their employees and transmitting those sums to union officials. Under the law, the individual worker has the option of authorizing the withholding of union dues from his wages or remitting the dues money on his own initiative. But, in either case, he either pays the union or suffers discharge if he is subject to a compulsory union shop agreement.

Section 302 of our present Federal labor code will remain virtually meaningless until we strike down the other provisions which sanction forced unionism.

This proposed national right-to-work law will eliminate the principal source of intolerable union abuses by restoring freedom of choice to all wage earners throughout the country. I confidently predict the introduction of this bill will provoke an irresistible grassroots demand for its passage.

NATIONAL BLOOD BANK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, today I am introducing a bill to deal with the deadly problems with human blood in America.

In 1971 over 2 million blood transfusions will be performed in the United States. One out of every 150 of these will cause a death from serum hepatitis in the over 40 age group, plus a lot of very sick younger people.

The HEW Center for Disease Control in Atlanta reported 52,583 cases of serum hepatitis in 1970. This is only the tip of the iceberg. Because of the malpractice implications of hepatitis and the delay of 1 to 6 months after infection for illness to set in, it is often not reported. There may be half a million cases of this liver disease in the United States every year.

The victims of hepatitis occupy thousands of hospital beds, inflate the cost of medical insurance premiums for everyone and cause countless days of lost work. An expert in this field, Dr. J. Garrot Allen, of Stanford Medical Center, estimates at least 455,000 hospital bed days are devoted to hepatitis every year.

But hepatitis is almost entirely preventable. Strong action today could virtually stop this disease. The bill I am introducing will move forcefully to stamp out serum hepatitis.

For years, it has been clear that much of the hepatitis in this country comes from one source: the paid blood donor. Here is the man or woman with a reason to lie about his past medical history to get the money. He may be an alcoholic or a drug addict or live in conditions that invite hepatitis. Commercial blood banks that depend on the paid donor move right into his neighborhood and make it easy for him to sell his body.

Reliable studies have repeatedly shown the risk of contracting hepatitis from the blood of paid donors is from 11 to 70 times greater than the risk from voluntarily donated blood. Blood banks that use paid donors make it easy to ooze for booze, but the product they sell is death by the pint.

I want it clearly understood that many blood banks do not operate this way. There are many conscientious and reliable blood banks in this country, but their reputations are smeared by the tactics of the others. The best way to aid reputable blood banks is to require the less scrupulous ones to live up to the same high standards. My bill would require this.

One of the keys to stopping hepatitis is recruitment of volunteer donors. Not enough people donate because Americans have grown to believe that untainted blood can be bought and sold like hamburger rather than understanding the precious nature of this life-giving fluid. The Red Cross, even with the assistance of organized labor, has not been able to do the job. As Dr. Tibor Greenwalt, of the Red Cross said in a recent TV interview:

> You cannot blame the commercial blood banks for anything that has happened in this country. They were needed to fill the gap. The gap that was not filled in a total program by the Red Cross.

The second factor in the explosion of hepatitis today is the lack of adequate inspection and supervision of blood banks. Seventeen States have no law whatsoever on blood banking, and 21 others have only one—that being a law to prevent patients infected by tainted blood from recovering monetary damages. In these States anything is legal. Anyone could run a blood bank. It would be legal to use the blood of cadavers, or of very ill people, only seven States license blood banks, and only five inspect them.

The Federal Government's efforts in this field are close to scandalous.

I have in my hand a voucher used to pay the donors at a commercial blood bank here in Washington, D.C., is made out for $5, which is the going rate, but the only place this voucher can be cashed is at Moe's Liquor Store in the 1200 block of H Street Northeast. We all know how this works, the donor it attracts and the death and suffering it spreads.

Now this voucher is from a blood bank that is licensed and inspected by the Federal Government. The NIH knows this is going on, they know how much hepatitis it spreads, but they do nothing about it. The NIH Division of Biologics Standards licenses only 166 of the 7,000 blood banks in this country. They only supervise the blood after it is in the bag, and ignore conditions that put hepatitis into the bag.

They do not license or inspect the companies that import massive quantities of human blood plasma from places like Haiti, India, or the Dominican Republic. Today, they do not even require that this potentially infectious material be tested for the presence of hepatitis by the 25-percent effective Australia Antigen test that has been available for the last 10 months.

What seems to have happened to the Division of Biologics Standards is deadly. Division of Biologics Standards seems to have been "captured" by the groups it is supposed to regulate. There appears to be a pattern of senior personnel in the Division going to work for blood banks that use paid donors. Some of these people even return to the employ of Division of Biologics Standards. The prospect of such a job has rightly been called a deferred bribe. It produces the kind of regulatory neglect we find in blood banking today.

The three answers to the dangers in blood banking today are regulation, recruitment and research. My bill is aimed at regulation and recruitment, the two which can make an immediate difference. My bill would bring adequate supervision to blood banking for the first time. It would establish a new office in HEW to license, inspect and regulate all blood banks in this country. Because of the problems I have described, I would not place this responsibility with NIH.

The lack of voluntary blood is the only justification for using paid donors, so my bill provides a major national effort to recruit voluntary donors. It also recognizes the dilemma faced by doctors who cannot judge the risk in the blood they administer. My bill requires the source of all blood to be clearly stated on its label.

A direct approach is urgently needed to assure safety to blood recipients in this country. With the program I propose today we could virtually stamp out transfusion hepatitis. Melodramatic as it may sound, it is truly a matter of life or death.

MORE CRITICAL INFORMATION ON SICKLE CELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, sickle cell anemia has the following medical definition:

A hereditary, genetically determined hemolytic anemia, one of the hemoglobinopathies, occurring in the Negro, characterized by arthralgia, acute attacks of abdominal pain, ulcerations of the lower extremities, oat-shaped erythrocytes in the blood and, for full clinical expression, the homozygous presence of S hemoglobin as defined by hemoglobin electrophoresis. Also called sicklemia, Dresbach's anemia and Herrick's anemia.

In addition, Mr. Speaker, I think it is important to include the following information on sickle cell hemoglobin:

HAEMOGLOBINOPATHIES

Most abnormal haemoglobins have been discovered during surveys in many parts of the world, and do not cause any disease. Some are clearly pathological.

SICKLE CELL HAEMOGLOBIN

The first discovered and the most well-known haemoglobin abnormality is sickle cell haemoglobin (Pauling *et al.*, 1949). The haemoglobin S aggregates under conditions of low oxygen tension and causes the "sickle" deformation of the red cell. It was shown that a valyl residue substitutes for the normal glutamyl residue at the sixth position from the *N*-terminal of the β-chain (Ingram, 1961). Sickle cell haemoglobin may thus be designated $\alpha_2{}^A\beta_2{}^S$ or, more specifically, $\alpha_2\beta_2{}^{6Glu\rightarrow Val}$. It has been proposed that the substitution of an acidic group by a non-polar group at this position permits the formation of an hydrophobic ring at the *N*-terminal of the β-chains which can fit into complementary regions on α-chains of neighbouring molecules, so leading to the formation of the massive insoluble superhelices of Hb-S (Murayama, 1962, 1964). In the oxygenated condition with the movement of the β-chains towards each other, the bonding between neighbouring tetramers is prevented.

The sickling of the red cells causes an increased red cell mechanical fragility and an increased blood viscosity leading to red cell stasis and thrombotic symptoms. The heterozygous sickle cell trait does not show these symptoms and may possess certain genetic advantages in special circumstances. There is now good evidence that the heterozygous sickle cell trait condition confers some protection against the malaria *Plasmodium falciparum* (Allison, 1961).

Mr. Speaker, Drug Research Reports, "Blue Sheet," volume 14, No. 15, April 14, 1971, had an article on sickle cell anemia pertaining to urea treatment of the disease and its possible consideration for a wide scale clinical testing program. I include the article at this point.

UREA TREATMENT USED SUCCESSFULLY WITH 14 SICKLE CELL CRISIS PATIENTS; NEED IS FOR WIDE-SCALE CLINICAL TESTING 2,000–3,000 CASES NEEDED

Dr. Robert Nalbandian reports he has treated 13 patients once each and a 14th patient twice with intravenous urea to abort sickle cell anemia crises without a therapeutic failure, a medical misadventure, or a death.

The Grand Rapids, Mich., pathologist also said there is promising evidence that the more than 80 sickle cell patients on maintenance regimens of oral urea will have a normal life-span. Sickle cell victims usually die before 40.

Dr. Makio Murayama, PhD, a research biochemist at the Natl. Institute of Arthritis & Metabolic Diseases (NIAMD), whose molecular studies paved the way for the urea treatment, said the next step is wide scale clinical testing. NIH plans to spend $6 mil. in the coming fiscal year on sickle cell anemia research, five times the amount being spend this year. Murayama anticipates some of this money being used for clinical evaluation of urea.

It is not clear at the moment whether the Nixon Administration knows how close it may be to a research payoff of considerable political importance—both for Nixon's image as well as for NIH's. Nixon's health message to Congress was the first time sickle cell anemia has been given priority research treatment ("The Blue Sheet" Feb. 18, p. 9).

Murayama said that between 2,000 and 3,000 patients must be tested. Coordinating the $6 mil. will be the Natl. Heart. & Lung Institute, which has not yet determined its priorities. Some of the money is expected to be used for genetic counseling, research, and screening as well as for various diagnostic and therapeutic approaches. (For a story on the contenders for this money, see p. 9 of this issue of "The Blue Sheet".)

Urea is widely available (Travenol, Abbott, others) and, so far, there is no patent position which would reserve the agent for any one pharmaceutical mfr. However, the large market for it might bring several mfrs. into production, as in the case of I-dopa—which presented considerable production problems—and lithium, which was easily produced.

Traditionally sickle cell treatment has been symptomatic, often with narcotics or analgesics. In cases of severe crisis, blood transfusions have been used on occasion. There is now no prophylaxis treatment except the experimental oral urea.

DRUG RESEARCH REPORTS

Sickle cell research made a major step forward in 1949 when Dr. Linus Pauling, demonstrating his molecular disease theory, showed that sickling was due to the presence of abnormal hemoglobin molecules.

Murayama began work with Pauling at Caltech in 1954 and there developed the theory that hydrophobic bonding was responsible for sickling. Murayama has recalled that so many of his fellow scientists were scoffing at hydrophobic bonding with its apolar quality that he was somewhat embarrassed to speak of it in formal research reports.

Undeterred, Murayama decided to build a scale model of a human hemoglobin molecule after he joined NIH. The size of a footlocker, the model uses 10,000 precision units of colored metal, and magnifies the molecule 127 mil. times.

Working in the basement of his home for six years at night to build and refine his model, Murayama finally was able to demonstrate that substitution of two amino acids in the molecule, a known characteristic of sickle cells, resulted in hydrophobic bonding. This bonding, in turn, distorted the shape of the red cells.

This sickling distortion is a twisting of the cells out of their normal doughnut shape to that of a sickle. The distorted cells clog blood vessels and block circulation. The patient is in great pain and often thrashes about. Victims have been found with shattered bones from that thrashing.

WORKING ON MURAYAMA'S THEORIES, NALBANDIAN DEVELOPED A MOLECULAR STRATEGY

Nalbandian has been aware of Murayama's work since 1963. He calls him an "authentic genius." Working on Murayama's molecular studies, Nalbandian said, "I assumed a molecular strategy for a chemotherapeutic attack on these hydrophobic bonds." At Blodgett Memorial Hospital in Grand Rapids, he tried the urea with both positive and negative results. There was prompt desickling but there also was hemolysis.

Using a procedure developed by brain surgeons to prevent cerebral edema, Nalbandian mixed urea with solutions of invert sugar. The hemolysis problem was ended. The oral prophylaxsis approach was developed to keep the anemia under control if possible, rather than only react to a crisis situation.

Urea has more supporters than doubters now. However, Nalbandian believes that "Everybody is getting excited about our work for the wrong reasons." For the right reason, he cites Pauling that "Sickle cell anemia . . . has become one of the first diseases for which there is a known molecular basis for pathogenesis, a molecular basis for diagnosis, and a molecular basis for treatment."

The Statement by Pauling comes from his foreword for a book edited by Nalbandian, *Molecular Aspects of Sickle Cell Hemoglobin—Clinical Applications*. "We might consider that medicine is now entering a new state," Pauling writes, "in which the detailed molecular understanding of the nature of diseases will be used effectively in the search for therapeutic methods."

Said Nalbandian: "What we have done by chemical method is take an incorrectly structured metabolite, hemoglobin S, and modified it chemically in such a manner that the lethal property of sickling has been inhibited without interfering with the critical life-supporting property of oxygen transport. That kind of therapeutic molecular remodeling has never been achieved before in medicine." Although ignored by the lay public for many years because it affected only blacks, sickle cell anemia research then may provide the key to unraveling other diseases.

MINIMAL $6 MILLION FOR SICKLE CELL ANEMIA BRINGS APPLICANT DELUGE; NIH GOES TO LAY LEADERS FOR RESEARCH ADVICE; NHLI COORDINATES HEW SICKLE SPENDING

A leading voluntary health group in the sickle cell anemia field is opposed to broad clinical trials of the leading sickle cell experimental drug, urea. Mrs. Iris Cox, founder of the Natl. Sickle Cell Disease Research Foundation, has reported clinical trials have begun under her foundation's aegis, but the investigational drug is not urea. Mrs. Cox says her group's medical advisory board feels urea is unsafe.

This poses problems for HEW because the sickle cell $5 mil. effort written into the President's Health Message to Congress for fiscal 1972 ($6 mil. with previously tabbed funds) is clearly recognized as a politically-laden program and HEW has set up a complex advisory apparatus to make sure volatile opinion is adequately ventilated on how to spend the money.

In anticipation of a deluge of grant applications for the $6 mil. HEW has called a series of meetings, the latest April 5–6 at NIH with about one-third in attendance from NIH's hematology study section, one-third MDs closely associated with the disease, and the rest black laymen. The disease factor is carried by 10% of all blacks and is a constant threat even in the absence of symptoms.

At NIH it was the same story, so familiar in recent years of "priority-setting" in the absence of an adequate natl. commitment to attack an urgent natl. health problem. The meeting covered the waterfront from basic research to screening and genetic counseling, with such candidate programs in between as screening to locate victims and carriers, developing better diagnostic procedures, finding better therapies, and spending to educate MDs, few of whom have had knowledgeable experience with the disease.

First HEW asks public advice, then says advice is secret; research guidance highly political

Even within the area of research some decision will be necessary between expanding

basic studies and enlarging expensive clinical trials of the most promising drug, urea. (See related story in this issue on urea research, p. 7.)

While the group that met at NIH April 5–6 started working on recommendations, their ideas will not be made public. Rather they will be subject to approval of a higher advisory group, not yet named, which will meet in early May. The second group will also include scientists and laymen from outside NIH. Whether even this higher group has the final say remains to be seen. Reports from others have already gone to Secty. Richardson.

Current money, to be spent before June 30, amounts to about $1.5 mil. The $6 mil. is in the fiscal 1972 budget. The Natl. Heart & Lung Institute is coordinating the spending for the entire dept. under Institute Deputy Director Robert Ringler, who's long had an interest in the disease.

Fiscal 1971's kitty, $1.5 mil., is being divided among NHLI, Natl. Institute of General Medical Sciences (NIGMS), and the Natl. Institute of Arthritis and Metabolic Diseases (NIAMD). NHLI is handling clinical trials, NIAMD the etiology, and NIGMS the genetics work. The division of labor is expected to prevail in 1972. Health Services & Mental Health Administration is expected to get some new money for screening and counseling.

Much of the $6 mil. is not "new" money. Some of it, for instance, comes out of the coronary drug clinical testing program under NHLI ("The Blue Sheet" Mar. 17, p. 18).

The key role Mrs. Cox's foundation will play, at a time HEW is giving ear to money requests from quarters not always heard from in medical research circles, is indicated in the make-up of the Natl. Sickle Cell Disease Research Foundation, which has been asked to advise HEW. It constitutes six organizations in as many cities with a seventh in Chicago seeking admission:

(1) Assn. for Sickle Cell Anemia Inc. (NYC), (2) Volunteers in Aid of Sickle Cell Anemia Inc. (Philadelphia); (3) Sickle Cell Disease Research Foundation (LA); (4) Mid-South Assn. for Sickle Cell Disease (Memphis); (5) Assn. for Sickle Cell Anemia Research (DC); and (6) Assn. for Sickle Cell Anemia of N.J. (Newark). These groups are primarily composed of parents of children with sickle cell anemia but include MDs on their advisory boards.

Influential chairman of the natl. group's medical board is Howard U. Pediatrics Chairman Roland Scott. Honorary exec director of the foundation is Dr. L. W. Diggs, just retired from Tenn. U. (Memphis) where he was head of the sickle cell center and intimately involved with the disease since 1915. The disease was not identified until 1910.

The component units' primary purpose is to seek visibility for the disease and educate people to its symptoms and dangers. The DC group, under President Charles Young, wants to set up screening programs in black schools, efforts which are being repeated around the country. A major aim of these organizations also is to inform MDs what patient services are available. Young told "The Blue Sheet" that DC MDs have shown a desire for such information.

Pharmaceutical Mfrs.' Support Sought By Voluntary Health Foundation; Ortho Underwrites Pamphlets

Negotiations are underway with several drug firms for support of the foundation's activities. Mrs. Cox said they also hope to get some federal funds.

At present Ortho is underwriting the expenses of printing 80,000 Questions & Answer pamphlets which will be provided to clinics, hospitals, and other health care centers. Ortho has been the "backbone" of the foundation, Mrs. Cox said, and was instrumental in developing the 3-minute sickle dex test for detecting the disease or the trait.

Another NYC-based organization, The Foundation for Research and Education in Sickle Cell Disease, received nation-wide recognition with the receipt of a $50,000 award from Chase Manhattan Bank Foundation to increase awareness of the problem among possible black victims. This group was formed as the result of a break with the NYC Assn. for Sickle Cell Anemia Inc. in 1966, which went on to join the natl. organization.

According to the natl. foundation, the Foundation for Research and Education in Sickle Cell Disease has sought to affiliate with the natl. group. They have refused, however, upon being told that NYC cannot handle two such groups and that they must fuse with the local Assn. for Sickle Cell Anemia Inc.

The foundation currently operates in conjunction with five hospitals in the NYC area equipped with special clinics for treatment of sickle cell anemia:

Jamaica Hospital, St. Luke's Hospital Center, Sydenham Hospital, Morrisania Hospital, and Kings County Hospital. Foundation services include free testing for presence of the disease at its offices, as well as through mobile units.

President of the foundation, Dr. Doris Wethers, told "The Blue Sheet" the group is practically unable to keep up with the demand for testing, even though they have yet to launch a large-scale educational campaign. Other services are provided by the clinics, with referrals often made from the foundation. The group hopes to be able eventually to provide more comprehensive services, possibly with help from an HEW grant.

Mr. Speaker, the preceding data was sent to me by Dr. Gerald P. Murphy, director of the Roswell Park Memorial Institute. Roswell Park is one of the leading cancer research centers in the world.

Dr. Murphy has expressed to me his own deep, personal feelings over the necessity of implementing recommendations for combating sickle cell disease as soon as possible. In the battle against the disease, we could have no greater ally than Roswell Park and Dr. Gerald Murphy and I am delighted at the interest that has developed on a national level.

I obtained a special order on November 5 and called the attention of my colleagues to this disease in a floor speech. I am glad to see some of the able sports writers bringing more facts to light. Tom Dowling in his column in the Washington Evening Star of November 16, 1971, pointed out the work the Black Athletes Foundation is doing in fighting sickle cell. At this point, I include his article:

[From the Evening Star, Nov. 16, 1971]

WORD OUT ON SICKLE CELL

Not so long ago the Black Athlete's Foundation took an electrophoresis machine out to a shopping center in Pittsburgh to test blacks for Sickle Cell, an hereditary blood disorder.

The testing was scheduled to run from noon to 6 p.m. and there was still a queue waiting to be tested at 9 p.m. The word is finally out on Sickle Cell—though the disease was recognized as early as 1910.

The word says that Sickle Cell attacks blacks almost exclusively, that it can kill and that its genetic ravages are passed on from generation to generation at alarming rates of increase.

In all, 3,700 people moved through the line; three hundred, forty two of them were found to be trait carriers; 16 of them—between the ages of 3 and 8—had severe forms of the disease. Four of those 16 are already dead and there is, at present, no long range hope for the other 12. There is, you see, no cure for Sickle Cell Anemia.

TWO MILLION AFFLICTED

There are 250,000 blacks in Pittsburgh and 25,000 of them are estimated to be Sickle Cell trait carriers—10 percent of the national black population, or two million people, being afflicted. When two trait carriers have children the possibility of the genetic disorder being handed down is one in four.

Those are the trait carriers. There also is a lethal form of the disease that strikes one in 400 carriers or perhaps 50,000 Americans. As Horace Davis, executive director of the Black Athlete's Foundation, puts it, "All you can do for those people is help them die a little more comfortable."

Davis, who started the Foundation six months ago in concert with Willie Stargell and Muhammad Ali, was in town late last week testifying on legislation to establish a National Sickle Cell Anemia Institute. The legislation envisions a $90 million federal expenditure over a three-year period on research, prevention and treatment of the disease.

Davis, an amiable if firm man, told the legislators that $90 million represented a mere 25 percent effort, which is well below the 110 percent effort athletes commonly strive for. The Nixon Administration told the same hearings that $90 million is about $90 million too much, terming the proposal "redundant."

In fairness, it must be said that the administration recently has added $5 million to the existing $1 million allocated for Sickle Cell research this fiscal year.

But in honesty, it must be said that $6 million or $30 million annually are piddling sums to debate where 50,000 dying people and two million trait carriers are concerned.

TOO LITTLE, TOO LATE

"Too little, too late"—that is the historical disease that has quarantined black America. Poor housing, poor education, poor opportunity—it can be argued, if spuriously that man can transcend such deprivations. But no one has ever claimed a human capacity to rise above genetic illness.

With Sickle Cell you don't pull yourself up by your bootstrap. Not when you're regularly short of breath from exertion, when you pass blood in your urine, when you're so bushed from a day of labor that you have to spend the next one in bed.

The significance of the Black Athlete's Foundation is that in a mere six months it has brought the Sickle Cell issue home to a wider public.

Athletes in our society are credible figures. Their physical acts speak for themselves, possess an adherence to standards of quality that are beyond narrow partisanship and the flummery of public relations.

You only had to see the congressman last week clamorously posing for photographs with such testifying foundation board members as Henry Aaron and John Henry Johnson to grasp the proposition that a black athlete is everyone's aristocrat.

No one can denigrate Willie Stargell's 46 home runs, John Henry Johnson's career yardage, Henry Aaron's 17 years of steady magnificence.

So, in the corridors of power, outside a house committee hearing room, Aaron said, "I was dumfounded to hear about Sickle Cell from Willie Stargell, whose daughter is a carrier. This hits deeply. We spend billions collecting moon-dust and $90 million doesn't seem too much to try to stamp out Sickle Cell."

Stargell, undergoing knee surgery in Pittsburgh, couldn't be in town to testify. Neither could Preston Pearson, Pittsburgh Steelers running back, who was practicing with the

disease for an upcoming game with the Miami Dolphins.

ELLIS AMONG VICTIMS

Neither could Dock Ellis—the Pirates' talented 19-game winner—who has a severe case of Sickle Cell that leaves him with one of the worst game completion records of any frontline big league pitcher.

Dock couldn't be here because he was visiting troops in Vietnam. But he was here to testify on a demonstration grant Sickle Cell program for the District two weeks ago. He is, among other things, a prominent hotel critic, having found his accommodations in Baltimore and San Francisco not to his liking during the playoffs and World Series.

In Washington, Dock stopped at the Hilton Hotel, where he ultimately was locked out of his room when the hotel authorities demanded a $50 advance cash payment. Though Dock pointed out that he had an $18,000 World Series paycheck in hand, was in Washington at the request of Congress, was, above all, unlikely to discredit his work on behalf of Sickle Cell by skipping town with an unpaid hotel bill, the Hilton remained adamant. You have to wonder whether an equally eminent and prosperous white would have been treated with such pettifoggery.

The Hilton management, for its part, says it has 40,000 guests a month and has to go by the rules. No doubt the Nixon Administration's reluctance to spend $90 million in three years on combating Sickle Cell also has some basis in arcane bureaucratic regulations.

But hotels and administrations alike survive best when they learn to rethink the shortcomings in their own rules and regulations. In time, hotels are going to learn to accommodate Dock Ellis properly. In time, public policy is going to have to accommodate the 20 million American blacks who want something done about Sickle Cell.

CANNIKIN TEST SUMMARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I have requested special order time today to make a report on the known Cannikin test results as of approximately 0700 hours, Bering Standard Time, November 10, 1971. I was present at the test on November 6, along with Representative HOSMER as Joint Committee on Atomic Energy observers. I share with others the greatest pride in the dedicated and professional men and women on the test team which conducted the test successfully and with complete safety.

Representative HOSMER's remarks on November 9, summarized the test results as known approximately 24 hours after the test. The surveys then revealed only minor damage as predicted within the vicinity of the test site. There was no earthquake, tsunami, no radioactive material released and no irreparable harm to the island or its wildlife. I am pleased to report that subsequent surveys confirm that there are no indications of any significant environmental impact beyond the immediate test site and no such impact is anticipated. The results of these surveys are as follows:

CANNIKIN TEST RESULTS SUMMARY

This summarizes all known test results as of approximately 0700 hours, Bering Standard Time, November 10, 1971 (D plus 4 days). Severe adverse weather hampered and, in some cases, precluded direct observation of early post-shot conditions. However, it is believed that all significant effects noted in this report have been accurately assessed. Interpretation of the data presented herein will be reserved for a later, more comprehensive report. (All times given in this report are Bering Standard Time.)

I. ABSTRACT

Cannikin, the full yield test of a nuclear device designed for the Spartan ABM missiles was conducted at Amchitka Island at 1100 hours, November 6, 1971. The device, designed and constructed by the Lawrence Livermore Laboratory, was emplaced 5,875 feet below the surface and was fired from a Control Point on the Island some 23 miles distant. Preliminary seismic yield estimates indicate that the device performed nominally and early indications are that the weapons laboratory experiments were successful. To date, there are no indications of any significant environmental impact beyond the immediate test site and no such impact is anticipated.

II. CHRONOLOGY

Preparations on Amchitka Island were initiated in August 1967 with the commencement of drilling of the emplacement hole. Mining was completed in July 1971. Device emplacement was initiated on September 8, 1971, and downhole activity commenced on October 13, 1971. Upon receipt of the requisite authority to conduct the test, stemming was initiated on October 27, 1971. Preparations then proceeded without interruption to the established first readiness time of 1100 hours, November 6, when the detonation occurred.

III. GROSS EFFECTS SUMMARY

There has been no detectable release of radioactivity to the environment as a result of Cannikin. No large earthquake was triggered from the detonation. Teleseismically, the shock had a body wave magnitude of 7.0 and a surface wave of Richter magnitude 5.8. Early run-up gage reports indicate that water wave production for Cannikin was essentially similar to Milrow. No anomalous wave activity was observed on telemetric records at Shemya and Amatignak or reported by field observers at more distant islands along the Aleutian Chain. Bioenvironmental effects were noticeable but were confined to the Island itself (See Section VI). Except for the perceptible tremor on Adak and the barely perceptible tremor on Shemya, no effects of any nature have been reported from any off-island location.

IV. OPERATIONS

D minus 1 and D-Day evacuation flights reduced the on-island shot time population to 242 persons. At 0200 hours on November 6, the Test Manager reported readiness to proceed if weather conditions remained favorable. This was consistent with alternatives discussed between the Manager, Nevada Operations Office, and the General Manager, U.S. Atomic Energy Commission. A weather briefing was conducted at 0400. Weather at shot time was as follows:

A deep low pressure area centered near the Pribilof Islands and a high pressure area centered near 44 North 160 East produced northwesterly winds and mostly clear skies in the Amchitka vicinity. Surface and low level winds aloft were from 300 degrees at 30–40 knots. Air temperature was in the high thirties and low forties. Initial trajectories were toward the east-southeast, were expected to curve southward after 24 hours, and then curve toward the west after 36 hours.

JTG 8.3 military support units participated as scheduled. All units were in position at shot time. Units consisted of the following:

Aircraft

2 EC–121 Air Controllers.
2 WC–130 Trackers/Samplers.
3 P–3 Surveillance.
1 NC–135 Photo.
1 P–3 (Patrol Aircraft Standby Pool Track/Adak).
1 WC–135 (Standby—Long-Range Tracker/Anchorage).

Ships

1 Coast Guard Cutter—Sweep and Surveillance.
2 Destroyers (Sweep and Surveillance).
1 Landing Platform, Dock (LPD)—Standby in Northern Pacific.
1 Destroyer Escort—Escort to LPD.

Environmental Protection Agency personnel were located on the U.S. Coast Guard cutter, the two U.S. Naval destroyers, and the two U.S. Air Force sampling aircraft. A Canadian Government C–54 scientific aircraft which was to join the air array was unable to participate and had to return to Cold Bay, Alaska, due to icing and engine trouble. One contact was identified within the 50-mile warning area—a small American fishing vessel located in a bay on the eastern side of Semisopochnoi Island. This vessel was detected by the Coast Guard cutter on November 4, 1971, and advised that she was safe at this location, but if she got underway she should head north and east to clear the area. The vessel was warned again on November 6, 1971, prior to shot time and suffered no damage from the test. Readiness briefings were conducted during the week prior to D–Day to assure that all elements were on schedule and to review the developing weather conditions. On November 5, all systems were ready and weather predictions for the following day looked favorable. Therefore, a shot time of 1100 hours was established for November 6. A final readiness review was made on D–Day at 0400 and updated hourly, commencing at H minus 3 hours. No holds occurred during the countdown.

V. CIVIL AFFAIRS

Technical staff members of the Environmental Protection Agency/Western Environmental Research Laboratory were located at population centers in the Aleutian Chain and Western Alaska commencing approximately one week prior to D–Day. These locations included Adak, Akhiok, Akutan, Atka, Attu, Belkofski, Chignik, Chignik Lagoon, Chignik Lake, Cold Bay, False Pass, Ivanof Bay, King Cove, Nikolski, Nelson Lagoon, Old Harbor, Pauloff Harbor, Perryville, Sand Point, Shemya, Squaw Harbor, St. George, St. Paul, and Unalaska. A communications conference call was established among EPA personnel at the above locations prior to the test to transmit local weather, sea conditions, and readiness status. This network was maintained throughout the immediate post-shot period in order that timely notification could be given in the event of any hazardous condition (including unusually severe storm activity). Pursuant to earlier personal coordination with the Governor of Alaska, a senior AEC representative and a senior EPA staff member were made available at the State House in Juneau commencing on D minus 1 and were provided with current and detailed progress reports. Similarly, two AEC representatives were located in the City Manager's office in Kodiak. In addition to direct communications with Anchorage, they maintained communications with EPA representatives located at both Akhiok and Old Harbor, Alaska. The Mayor, the City Manager, Coast Guard Air Station Commander, a number of other civil officials, and local residents were in the municipal building at shot time. No unusual incidents occurred and no effects of CANNIKIN were noted.

VI. SCIENTIFIC PROGRAMS

A. Device Diagnostics

All classified experiments designed to measure the device performance recorded data. Preliminary examination of the records indicates that the desired information was obtained. The films and taped records will require detailed analysis.

B. Technical Documentary Photography

Photo stations were established in the recording trailer park to record the behavior of the shock mounting systems. Additional stations were established to record possible fault motion. The NC–135 photographic aircraft flew its mission as planned. Four runs to photograph sea otters were made pre-shot—two on the Bering side and two on the Pacific side. Five post-shot aerial mapping passes were made over surface ground zero. Radar positioning was good and, pending processing of film, all indications point to a successful mission.

C. Geophones

Geophones located around surface ground zero area continued to give occasional signals until H plus 37 hours, 54 minutes when collapse occurred.

D. Seismic Program

Seismometers, accelerometers, and other motion sensing instrumentation provided data at the Main Camp, the Control Point, and surface ground zero. Survey of the permanent displacement in the vicinity of surface ground zero was being initiated at the time of this report.

E. Water Wave Program

All bottom displacement gages, run-up gages, and ocean bottom gages were installed by D minus 2. The charter vessel Pacific Apollo took up a station at the northwest corner of the island instead of its intended location because of the D minus 1 storm and its aftermath. Water was too shallow to deploy the surface follower.

F. Marine Ecology

Because of the storm and the resultant high seas, the marine fish-holding pens could not be set up in the ocean off surface ground zero. Instead, two pens were set in the harbor, 15 kilometers southeast of surface ground zero. The University of Washington research vessel Commander took station at its intended holding position at the northwest corner of the island.

G. Sea Otter Program

Beach walks were conducted as scheduled on D minus 1 on both sides of the islands to look for evidence of pre-shot natural mortality of fish and mammals. On D-Day, pre- and post-shot photographic observations via aircraft were made. There has been no analysis as yet of these missions.

H. Limnology and Freshwater Ecology

During D minus 1, all cages were stocked and all planned samples taken. All instrumentation was in place for the test.

I. Radiological Safety Program (On Island)

A total of 14 radiation monitors and 112 stations of various types of environmental radiation monitoring units were positioned around the island. These stations include Remote Area Monitoring System (RAMS) units, air sampling units, and thermoluminescent dosimeters. All on-island personnel were issued film badges for personnel dosimetry. The RAMS units were positioned at surface ground zero, at the recording trailer park, and on a 2500' arc centered on surface ground zero. At zero time, all RAMS stations were operational. The initial shock caused three RAMS units to fail—one each on the arc, at the recording trailer park, and at surface ground zero.

J. Radiological Monitoring (Off Island)

Pre-shot background environmental samples of air, soil, vegetation, water, snow, milk, and foodstuffs as available were collected throughout the Aleutian Chain and on the Alaska mainland. Similar post-shot samples are presently being collected for comparison. Fifteen air sampling stations were operated both pre- and post-shot in Nome, Unalakleet, Palmer, Anchorage, Bethel, King Salmon, Kodiak, Homer, Seward, Cordova, Yakutat, Cold Bay, Sitka, Annette, and Dutch Harbor. Thermoluminescent dosimeter stations were also established pre-shot at all the air sampling stations.

VII. DETAILED EFFECTS

A. Surface Effects and Ground Motion

Shot time acceleration at surface ground zero was 15–20 G's with a displacement velocity of 38 ft/sec. This motion did not collapse a steel frame building adjacent to surface ground zero which was used to protect cable reels from the weather while the device was being lowered and stemmed. As the Control Point 23 miles away, the displacement velocity was 0.3 ft/sec with acceleration yet to be determined. The motion at the Control Point was described as a strong rolling one that lasted for about half a minute. On Adak, the motion was distinctly felt. On Shemya, some felt it and some did not. Even before collapse, there were numerous surface fractures in the tundra within a mile of surface ground zero. Some of these appear from the air to be fault displacement. Major rockfalls and surf slides occurred on the Bering side along a 12-000 foot strip of coast. These were of somewhat greater number and severity than expected. Intermittent falls and slides occurred on both coasts out to considerably larger distances. At about 38 hours after the detonation—0054 hours, November 8—the underground cavity collapsed. Initial survey shows the crater to be 60 feet deep with a radius of about 800 meters. The center is 375 meters from surface ground zero on a bearing of 120 degrees true.

B. Seismic Effects

Cannikin produced a seismic signal with a body wave magnitude of 7.0 and a surface wave of Richter magnitude 5.8 and was detected worldwide. There was no large earthquakes triggered as a result of Cannikin. Up until the time of cavity collapse, a high level of low magnitude seismic activity was observed, presumably aftershocks. These aftershocks were of local origin and were not detected by the instruments at Adak and hence were of magnitudes less than 3.5. Cavity collapse produced a shock observable by instruments at least as far as mainland Alaska. Its surface wave Richter magnitude was about 5.4. Following collapse, aftershock activity ceased. The uplift of the coastline near Cannikin produced no observable water wave at the nearby islands of Rat, Semisopochnoi, and Amatignak. On the other hand, several bays on the Amchitka coastline appear to have been set into oscillation. Further data reduction will be required before the amplitude of these oscillations or of any local water wave can be known.

C. Bioenvironmental Effects

All test time experiments were adversely affected by a severe storm on the day before the detonation. Marine experiments with fish-holding pens in the Bering Sea near surface ground zero could not be conducted because high seas prevented ship operations there. As a substitute, two pens were emplaced in Constantine Harbor, 15 kilometers from surface ground zero. The fish in these pens were not affected by the pressure wave since they were too far away. Similar live box experiments with freshwater fish were conducted in nine lakes located within two miles of surface ground zero. Although some stickleback and Dolly Varden were found dead in some of these live boxes after the detonation, it is believed that the cause of most of their deaths was wave action during the storm rather than the pressure pulse generated by Cannikin. Some fish were killed by being thrown out onto the banks of lakes or streams, but the number has not yet been determined. The surface fractures in the tundra and soil near surface ground zero have almost completely drained two small lakes, and have partially drained three others. In these lakes, fish that were not stranded out of water survived. One stream was partially dammed by a tundra slump. The most obvious effects were the rockfalls and tundra slides along the Bering Coast. It appears that as a result of these, one peregrine falcon eyrie (out of 20 on Amchitka) and about four bald eagle nesting sites (out of about 100 in recent use) were destroyed. The overall effect on bird populations will take time to determine. However, numerous rock ptarmigan, bald eagles, peregrine falcons, winter wrens, and other birds were observed after the shot in areas that suffered the greatest damage. These birds were apparently unharmed. Beach patrols have recovered one severely injured sea otter and 14 dead sea otters, four dead harbor seals (one injured seal was observed but could not be recovered), 17 dead birds (one greater scaup, 9 harlequin ducks, 3 pelagic cormorants, 1 horned grebe, 2 common murres, and 1 old-squaw duck), and more than 250 dead fish (mostly greenlings). All of these were found in marine areas except for a greater scaup which was recovered from a freshwater lake. Most of the animals and birds recovered appeared to have been killed by forces produced by Cannikin. Many of the fish died because they were stranded out of water on the intertidal areas along the Bering Sea Coast. One common murre and one harlequin duck died from unknown causes. Two sea otters died from natural causes before the test. Freshwater patrols during the same period found some three-spine stickleback and one Dolly Varden, undoubtedly killed by the Cannikin pressure pulse. These fish were recovered by seining in a lake located 1.5 kilometers from surface ground zero. (Similar mortalities were detected in two lakes after Milrow nuclear test in 1969.) Numerous live fish were recovered by this seining, so populations in this lake will undoubtedly recover. There were other freshwater mortalities but cause of death could not be definitely related to the storm on D minus 1 or to Cannikin.

D. Radiation

No radiation levels above pre-shot background have been detected on Amchitka Island or any other location.

VIII. EFFECTS ON SUPPORT FACILITIES

A preliminary damage survey of support facilities on the island, excepting those at surface ground zero, was conducted on D-Day and D plus 1. Measures had been taken before CANNIKIN to protect those facilities most susceptible to damage from ground motion. As expected, only minor damage occurred. At the Main Camp near the southeast end of the island, several minor plumbing leaks were discovered and corrected. Water supply to the Main Camp was cloudy with suspended silt but this condition represents only a minor inconvenience and is improving rapidly. The access road between the Main Camp and the Northwest Camp (Infantry Road) suffered minor damage at a few locations near surface ground zero. This road was open soon after the test, with instructions given to those using it to proceed with caution. The damaged portions of the road are being repaired and estimated completion is D plus five days. The access road off Infantry Road leading to the recording trailer park was also damaged. Repairs to this road are underway. The airfield and navigational facilities have been restored to operation and were given final FAA approval at 1000 hours on D plus 1 day.

Mr. Speaker, on November 15, Dr. James R. Schlesinger, the distinguished chairman of the Atomic Energy Commission, appeared before the Subcommittee on Public Works of the Committee on Appropriations, House of Representa-

tives. Chairman Schlesinger briefed the members of that subcommittee on the Cannikin test. His prepared statement on the subject follows:

STATEMENT BY DR. JAMES R. SCHLESINGER

Mr. Chairman, I am pleased to have this opportunity today to report to the Committee on three activities of the Atomic Energy Commission which recently have attracted considerable Congressional and public interest.

These areas are: the proof test of the Spartan warhead for our Anti-Ballistic Missile system which took place November 6 on Amchitka Island; the implementation of the Federal Court decision in the Calvert Cliffs case; and the work we are doing to carry out President Nixon's policy of commercial demonstration of a fast breeder reactor by 1980 to help meet the nation's needs for clean energy.

CANNIKIN

First, let me discuss the Cannikin test on Amchitka.

As you know, before that test was conducted there were a number of melodramatic statments concerning the possibility of Cannikin triggering a major earthquake, causing a tidal wave, or otherwise resulting in substantial environmental damage. Based on our extensive experience and our calculations, we were confident there would be no such disastrous consequences.

I was present on Amchitka with my wife and two of my daughters when the Cannikin device was fired. Congressman and Mrs. Craig Hosmer also were there as was Congressman Orval Hansen.

I can report with pride that the Cannikin test appears to have been successful based on a quick look at the diagnostics, and we should now be able to introduce the Spartan warhead into the weapons inventory within the appropriate deployment schedule. From the environmental standpoint, damage was minimal. There were no large earthquakes, no tidal waves, no releases of radiation. To date there are no indications of any significant environmental impact beyond the area of the immediate test site, and none was anticipated.

As a matter of interest, it is possible that the nation may have received an unexpected benefit from the Cannikin test. Dr. E. R. Engdahl, a research physicist at the Palmer Seismological Observatory in Alaska, has stated the test may have provided information which will be useful in preventing spontaneous earthquakes. Dr. Engdahl has suggested that explosions such as Cannikin could be used to relieve stresses in the earth's crust, thus minimizing the chances of a buildup which would result in an earthquake. The matter merits further study by experts in seismology, both within the Commission and outside.

A MANDATE FROM THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 15 minutes.

Mr. ARCHER. Mr. Speaker, those of us in public life who seek to carry out the wishes of the people have a golden opportunity to do so by getting behind this national right-to-work legislation, of which I am proud to be a cosponsor.

We have no less than a mandate from the American people to pass this legislation as swiftly as possible. In fact, every reliable opinion poll ever taken on the subject shows that nearly two-thirds of the American people believe that union membership should be voluntary.

The most recent, of course, is the poll taken for the National Right to Work Committee by the Opinion Research Corp., Princeton, N.J., which was released—appropriately enough—on Labor Day 1971. That poll clearly showed that a national right-to-work law is favored by the American public by a 2-to-1 margin, and this includes a majority of union members' families.

For the RECORD, I would like to insert the complete results of that poll.

WHICH ONE OF THESE ARRANGEMENTS DO YOU FAVOR FOR WORKING IN INDUSTRY?

	Number of interviews		A man can hold a job whether or not he belongs to a union	A man can get a job if he doesn't already belong, but has to join after he is hired	A man can get a job only if he already belongs to a union	No opinion
	Unwanted	Wanted				
Total U.S. public	2,061	8,012	62	27	4	7
Men	1,031	3,854	61	31	3	5
Women	1,030	4,158	64	23	4	9
18 to 29 years of age	528	1,971	65	29	1	5
30 to 39 years of age	359	1,282	65	25	5	5
40 to 49 year of age	348	1,471	60	30	5	5
50 to 59 years of age	323	1,313	59	31	3	7
60 years or over	498	1,958	62	21	4	13
Less than high school complete	747	3,371	58	28	4	10
High school complete	679	2,743	61	31	4	4
Some college	623	1,848	72	21	2	5
Professional	290	946	76	18	2	4
Managerial	232	855	72	21	1	6
Clerical, sales	261	1,079	64	25	2	9
Craftsman, foreman	394	1,515	59	33	5	3
Other manual, service	421	1,798	53	38	4	5
Farmer, farm laborer	66	252	82	5	0	13
Non-Metro:						
Rural	263	958	75	15	1	9
Urban	391	1,655	63	25	4	8
Metro:						
50,000 to 999,999	583	2,223	63	28	3	6
1,000,000 or over	824	3,177	57	32	4	7
Northeast	464	2,038	59	29	4	8
North-central	611	2,205	59	33	3	5
South	599	2,447	68	20	2	10
West	287	1,322	62	27	6	5
Under $5,000 income	485	2,427	64	20	5	11
$5,000 to $6,999	309	991	56	34	4	6
$7,000 to $9,999	421	1,510	62	32	2	4
$10,000 to $14,999	492	1,760	60	33	3	4
$15,000 or over	311	1,158	68	23	3	6
White	1,828	6,968	63	26	4	7
Nonwhite	198	943	55	36	2	7
No children in household	1,032	4,213	62	25	3	10
With children under 18	1,026	3,794	63	29	4	4
With teenagers 12 to 17	463	1,895	60	30	6	4
Own home	1,383	5,185	63	27	4	6
Rent home	667	2,790	61	27	3	9
Union members	319	1,200	40	50	6	4
Union families	297	1,170	53	39	4	4
Nonunion families	1,423	5,534	69	20	3	8
Political affiliation:						
Democrat	910	3,654	56	32	4	8
Republican	467	1,632	75	17	3	5
Independent	515	1,960	62	29	4	5

In addition, support for the proposition that a man can hold a job whether or not he belongs to a union (the question asked of those being polled) clearly cuts across party lines. A solid majority of the Republicans, Democrats and Independents agreed on this.

One of the earliest polls on the subject was taken by the American Institute of Public Opinion in 1957. It asked Americans if they would vote for a law stipulating that each worker has a right to hold his job in a company, no matter whether he joins a labor union or not. A whopping 63 percent of the American public said "Yes," including 33 percent of union members. That latter figure, I might add, has since risen several percentage points and only a bare majority of union members now say they favor compulsory unionism.

On many occasions the American people have spoken loudly and clearly in behalf of voluntary unionism.

A nationwide survey released in 1966 revealed that by a 63- to 25-percent margin the American people believed that Congress should pass a law making all union membership voluntary rather than compulsory.

The American people are unimpressed by the union professionals' so-called "free rider" argument. Sixty-six percent of them insisted that even though a worker benefits from a union, he should be allowed to decide for himself whether or not to join. As the Washington Daily News put it then:

Public opinion polls indicates that most Americans oppose compulsory union membership.

In 1966 the Senate refused to shut off debate on the bill proposing repeal of section 14(b) of the Taft-Hartley Act and it was ultimately laid aside. Significantly, a top public relations man for a major union was quoted at the time as saying:

In public relations we're taught to evalute public opinion and adopt procedures consistent with the public interest. Every survey I've seen, even the one taken among our own men, shows that the public is opposed to repeal of 14(b). Yet, Congress is being pressured into going against the public interest and abridging one of our basic freedoms: The individual's freedom to choose.

To borrow a phrase from our distinguished Secretary of Labor, union professionals in 1965 and 1966 were out of step with the rank-and-file. Indeed, they were out of step with the country as a whole.

The AFL–CIO's own poll on the subject in 1966 showed this clearly. As an Associated Press feature described it:

The report, based on the most extensive survey ever made among union members, concludes that labor leaders aren't talking the same language as their members on many political, economic and social issues . . . The union shop issue, the AFL-CIO's top legislative goal until its defeat in Congress last year, "got practically no support" from the union members polled . . .

That poll, the AP report continued:

showed many union members disagreeing with AFL–CIO political endorsements, civil rights activities and legislative goals on Social Security, minimum wages, unemployment insurance and workmen's compensation. The survey "showed only 35 percent supporting AFL–CIO policies" on some issues, said an informed source.

AFL–CIO President George Meany has the only complete copy of that poll, which is tucked away in some carefully guarded file. It has yet to see the light of day. A particularly illuminating column on it by nationally syndicated columnist Ralph de Toledano has, however, just recently "seen the light of day." I would like to insert it here for the RECORD:

IN WASHINGTON—GEORGE MEANY LEARNS THE TRUTH—AND HIDES IT

(By Ralph de Toledano)

For years, an embattled organization known as the National Right to Work Committee insisted that George Meany and the labor sachems of the mass unions not affiliated to the AFL–CIO did not represent the rank-and-file member. This was brushed aside as self-serving propaganda and ignored by senators and congressmen whose political existence depends on the largesse of Big Labor.

Then came the wage-price freeze last August—and while Mr. Meany screamed and threatened, the press began noticing that a preponderance of union members favored the President's action. AFL–CIO public relations types indignantly denied this and complained that stories to the effect were part of an Administration drive to force a wedge between the rank-and-file and the labor leadership.

At this point, Opinion Research, Inc., of Princeton, New Jersey—in my book, the most reliable of all polling outfits—conducted a nationwide survey which showed conclusively that Mr. Meany and the boys were in reality out of step with the dues payers. A majority of union families felt that Big Labor and its bosses did not represent them and had led the country down the road to runaway inflation. But the Washington press corps, now guilt-ridden because it had dared to question Mr. Meany's credentials, largely ignored the Opinion Research poll.

There is more than a little significance to this recital of past history. For it has now been learned that Mr. Meany has been suppressing a survey on union member attitudes taken by the polling firm of John F. Kraft for the AFL–CIO. This poll, the largest and most intensive ever taken of union members, corroborates fully what the National Right to Work Committee, the post-freeze press, and Opinion Research have been saying. In fact, the extent of rank-and-file disagreement with the political, social, and economic positions taken by the AFL–CIO is greater than many had believed.

The AFL–CIO, which frequently fulminates against "suppressed" government reports, was so rocked by the results of the poll it had paid for that it worked mightily to keep the contents secret. Of more interest, however, has been Mr. Meany's reactions to the findings. Not for a moment did he consider changing the policies opposed by those whose dues keep Big Labor's outsize bureaucracy in groceries. Instead, the labor sachems decided to spend the dues payer's money on Madison Avenue gimmicks to sell their program.

Adding extravagance to injury, the AFL–CIO is working on plans to dig deeply into its treasury to finance 5-minute radio shows, television programs, and newspaper advertising to convince the rank-and-file that Big Daddy is right and they are wrong. Since some 45 percent of union members voted in 1968 the way George Meany and Big Labor told them *not* to, this will be quite a job—and you can be sure that some Madison Avenue public relations firm will make a pot of money out of it.

But the Meany strategy goes beyond this. It is no secret in Washington that Mr. Meany and the labor members of the Pay Board plan to walk out unless they get just what they want and not an inch less. But with the only complete copy of the Kraft report in his pocket, Mr. Meany wants to make it look as if he is bending to the will of his membership when he makes his play at sabotaging the Administration's economic policies. So the walk-out, according to present plans, will be staged after the AFL–CIO Executive Board holds its annual chicken-fry at Miami Beach in December.

But this may present a problem. For it is just possible that the entourage of labor reporters who take the sunshine in Florida with Mr. Meany may raise the question: Who does the Executive Board represent? The answer, of course, is: Mr. Meany and the AFL–CIO bureaucracy. The rank-and-file did not elect the Executive Board. The rank-and-file, with very few exceptions, has almost nothing to say about what men will hold union office—from business agent and up. In fact, in their palmiest days, the big-city machines of New York, Philadelphia, Hoboken, Chicago, and points east and west, never had it so good or so safe.

George Meany has been president of the AFL–CIO for decades—and woe unto the man who tries to challenge him. He has as much chance of success as a Chicago ward-heeler who tries to take on Mayor Richard Daley. The AFL–CIO has refined the "one man, one vote" principle to the point where the one man is George Meany and the one vote he casts is deciding. This is called "labor democracy"—which is as good a way of saying it as any.

Another poll, conducted just this year, shows that union professionals continue to be out of step with those working men and women whom they purport to represent. Released on September 25, by the Opinion Research Corp., it shows that 63 percent of union families feel that union leaders have fallen down on their public responsibilities and poorly represent the interests of the working man. The same poll showed similar disenchantment with other goals arbitrarily set for the Nation's workers by its so-called spokesman.

The question naturally arises: How do union officials maintain their grip on union members? The answer was summed up recently by Mr. De Toledano, who noted:

Membership in most industries and in a majority of the states is compulsory, and if the rank-and-file attempts to withdraw, it can do so only if it is ready to give up its livelihood.

Mr. Speaker, it is abominable that a practice such as compulsory unionism is even tolerated in our free society. Let the word go forth that we will respect the mandate of the people and enact this national right-to-work law. Let us have relief from this oppressive abuse of individual freedom. Thank you.

SOLUTION TO POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, it has been noted by a researcher on river pollution that in 10 seconds, 140 tons of U.S. soil is carried out to the sea by the Mississippi River and its tributaries. In 24 hours, we lose over 2 million tons to the Atlantic, the Pacific, and the Gulf of Mexico. This is our best soil, mostly from farm areas, that is going down the river and into the seas where it becomes totally inactive and where it will never be productive. Much of this soil stops in the river beds behind our dams where it also becomes unproductive and in addition, becomes a hazard to our flood problems.

As long as this soil, or any part of it, hangs in balance in these waters, it is contaminated by pesticides and chemicals for weed control and by fertilizers. They can only ride into the water areas on particles of soil. Since we know how to keep this from happening through and with watersheds, why not give this the highest priority. This makes sense when we know we can do so much more with the dollars we will invest in the solution to pollution by way of the development of our small watersheds.

Mr. Speaker, there is no real solution to the pollution of our water until we complete the small watershed programs in America.

REPORT ON RACISM IN THE U.S. MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. CHISHOLM) is recognized for 30 minutes.

Mrs. CHISHOLM. Mr. Speaker, the congressional black caucus has been conducting this week a full set of extensive hearings into the blatant racism which pervades and cripples the military of this Nation. Because of the apparent lack of concern for the welfare of black servicemen fighting for this country by both the House and Senate Armed Services Committees, the black Members of this House feel compelled to remind the body of its duty to serve the interests of all, and to move on in spite of apparent congressional apathy.

Today I am officially releasing the contents of the findings of my chief assistant, Mr. Thaddeus Garrett, Jr., who just 3 months ago completed a 6-week fact-finding tour of American Air Force and Army bases in the NATO countries of Germany, Turkey, and Greece.

The purpose of his report is not to provide a comprehensive view of how the system of military justice functions, nor to return a blanket indictment against the U.S. military. It is rather expressly written to inform the public and the Congress of the "subtle" racism which has literally crippled and impaired the effectiveness of American troops in NATO countries.

The subtle racism that pervades the military is a disease not easily recognized by many white commanders, who have risen through the ranks throughout the years, and consequently, is really somewhat intangible. This discrimination has created an atmosphere which tolerates and generates an apparent disrespect for black officers as well as black noncommissioned officers.

Upon his return, Mr. Garrett presented both Congressman DELLUMS and me with a thorough briefing providing graphic illustration through tapings of direct testimony from black GI's overseas, as well as photographs depicting conditions of stockades and base housing.

While in these countries, Mr. Garrett served as the personal "eyes and ears" of the caucus, conducting extensive open and closed meetings with servicemen, as well as their commanders. He further met for nearly 3 hours with Gen. Michael Davison, the commander in chief of all U.S. forces in Europe, and as a result of his meeting was able to establish a direct line of communication, and I hope cooperation between the general and the congressional black caucus.

The report follows:

A REPORT ON RACISM IN THE U.S. MILITARY—OUR MEN ABROAD

INTRODUCTION

This report is a synopsis of some of the major findings of a six-week investigation of several United States air and army bases or compounds in Europe during July and August, 1971, by Thaddeus Garrett, Jr., Legislative Assistant to U.S. Representative Shirley Chisholm, chairman of the Congressional Black Caucus Military Affairs Committee.

The purpose of this report is not to provide a comprehensive review of how the system of military justice functions nor to return a blanket indictment against the U.S. military. It is rather expressly written to inform the public and the Congress of the "subtle" racism which has literally crippled and impaired the effectiveness of American troops in NATO countries. My specific mission carried me to bases in Germany, where the great bulk of racial tension exists, Turkey and Greece.

The subtle racism that pervades the military is a disease not easily recognized by many white commanders who have risen through the ranks throughout the years, and consequently, is really somewhat intangible. This discrimination has created an atmosphere which tolerates and indeed generates an apparent disrespect for Black officers as well as Black non-commissioned officers, and makes the life of a Black serviceman overseas undesirable. For those who have been drafted off of the streets of our nation's ghettos and thrown into a new and wholly foreign environment, the problems of existence are even more compounded and complex. I further fear, after many discussions with those who sit in the seats of command, that the explosiveness which prevails is made more serious by the amazing fact that many of those in command positions on all levels refuse to realize that even in a relatively controlled society as the military, racism can and does exist. When the refusal to acknowledge the existence of a problem occurs, the search for that problem's solution is even greater and more insurmountable.

There have been innumerable complaints from Black servicemen urging that the entire area of military justice, the NATO Status of Forces Agreement and how it affects American men in Europe be reviewed. The time has come for Congress to begin to exert all due influence on the State Department and, in turn, on foreign governments which are U.S. allies in the NATO Alliance to begin to amend this agreement because some of our men, indeed many of our men, have been literally "taken to the cleaners" by the courts in our NATO allied countries.

There must be pressure from the top on down—pressure in the sense that there must be a firm commitment from all top military brass to the idea that discrimination in the United States military will not stand. It must be made clear to base commanders, to unit commanders, and to the top command in Washington that the Congress will stay on top of all incidents of racial discrimination and will open up all channels for Black servicemen with complaints. Further it must be made very clear that Congress is going to take a stand against appalling conditions such as those in stockades and places of incarceration.

The American people have vested their trust and only sure investigatory recourse in the Congress of the United States. This trust must be realized in the full usage of the constitutional power and responsibility of oversight. For too long now, the military has been allowed to exist as a closed and unresponding structure of government. While we have seen the enactment of landmark human and civil rights laws, we have closed our eyes to and diverted our attention from the basic rights which have long been denied and suffering which has too long been endured by these minorities who serve this nation in combat. This report seeks only to aid in the conveying to those in the positions of governmental power, the urgent and earnest plea of a tired, scorned, and unwanted Black serviceman wandering in a foreign land.

ADMINISTRATION OF JUSTICE

The quality of military justice which Black servicemen receive is, in an overwhelming number of cases, extremely poor. Confronted by the discriminatory actions of both commissioned and non-commissioned officers, there exists an increasing feeling of resentment and tension among Blacks, reinforcing the potential of this explosive situation.

Black servicemen were quite open about their problems. They told of their impatience for action in their behalf and were quickly losing any faith that it would be forthcoming. They expressed total distaste for past congressional investigations and indicated their weariness of politicians who seek only to use the plight of the Black serviceman for their own political well-being. It is their belief that whenever a public inquiry is conducted, military authorities send the men "into the fields" to keep them away from the investigators.

In general, the feeling among Blacks stationed in Europe is that military standards apply in different degrees to whites than to themselves and that these standards are more stringently enforced on Blacks than they are on whites, resulting in a disproportionate number of Blacks being held on bad conduct charges and occupying the stockades. This feeling of dissatisfaction does not stop with enlisted men. Black commissioned officers as well have expressed concern over the slow pace of Black advancement in the military.

The general consensus among young Blacks is that the potential for violence is quite real. This, they admit, stems from their total frustration at the manner in which they have been treated and their hopelessness as to the prospects for change. Almost one hundred percent of the Blacks who met at mass meetings to discuss the conditions on their respective bases indicated a firm belief that the uniform code of military justice is discriminatorily applied.

Military justice is divided into two levels—judicial and non-judicial. *Judicial action* is basically the court proceedings and involves many of the due process guarantees of the American judicial system. Non-judicial action concerns the administration of discipline at the company level.[1] In process, this practice, Blacks complained, is carried out in an arbitrary style, that company commanders dispense punishment too loosely at their discretion. They felt that their basic constitutional rights were, to a large extent, being purposely ignored.

A source of a number of grievances revolves around the extensive usage of "article fifteens" and pre-trial confinements. Article Fifteen of the M.C.J. gives authority to the commanding officer to inflict non-judicial punishment on enlisted men for infringements of regulations. A serviceman has the option of a trial but invariably selects company imposed punishment to avoid court martial proceedings.[2] Blacks are convinced that white soldiers are either not punished or receive lesser punishment for the same offenses committed by Blacks. They told that, from personal observation, Blacks were receiving Article Fifteens at a greater rate than whites, in many instances because military standards were simply being applied according to color. This is borne out statistically. They also believe that because Blacks fear the consequences of challenging white authority and because they lack adequate knowledge of the Uniform Code of Military Justice, they tend to accept Article Fifteen charges rather than pay to a greater degree for questioning the situation. This outright coercion hangs as a threat to those Blacks who seek to speak out. Many conveyed the pressures which have been applied.

The following statistics show a disproportionate amount of special, general, and summary court-martials being given to Black servicemen.

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[1] NAACP Report, p. 9.
[2] NAACP Report, p. 9.

1971 UCMJ PUNISHMENT [1]

Month	Black		White	
	Number	Percent	Number	Percent
Special courts-martial:				
January	5	29	12	71
February	9	48	10	52
March	3	23	10	77
April	7	35	13	65
May	6	46	7	54
June	2	22	7	88
July	9	45	11	55
Total	41		70	
Summary courts-martial:				
January	10	38	16	62
February	7	46	9	54
March	3	23	10	77
April	9	50	9	50
May	3	17	15	83
June	3	15	17	85
July	6	29	15	71
Total	41		81	
General courts-martial:				
January				
February			1	100
March	5	83	1	17
April	1	100		
May				
June	2	67	1	33
July	2	100		

[1] Provided by Gen. William Coaft, Third Armored Division, Frankfurt, Germany.

Pre-trial confinement is often arbitrary and discriminating in its application to Blacks. Individuals can be confined for thirty days without being formally charged. If authorities desire to extend the confinement of an individual the permission of the officer exercising general court-martial jurisdiction must be obtained.[3] This procedure is often done by phone call and the confined serviceman is therefore denied the chance to enter a statement opposing this extension. Black servicemen told of cases where Blacks, who had already been confined for several months, were still awaiting the preferment of formal charges. They claimed that many Blacks in pre-trial confinement are innocent—that they were being framed merely because they are Black or because they have openly spoken out against military policies. They also revealed that they knew of several cases offhand where delays for trial had already reached as much as six months.

SOLDIERS HELD IN PRETRIAL CONFINEMENT

	Average number of prisoners [1]	Percent black
1970:		
July	452	49
August	444	54
September	421	59
October	407	60
November	428	62
December	412	[2] 62

[1] Black and white, in confinement for any reason.
[2] NAACP Report, p. 15.

The system of administrative discharge is also felt to be arbitrarily imposed upon Black servicemen. The NAACP Report and military case files reveal that Black veterans, particularly ex-Marines, feel that they have been given other than honorable discharges on the basis of race, often because they overtly challenged discriminatory practices while in the service. The NAACP Report stated that Blacks receive 45% of all the discharges issued below the category of honorable. This includes the entire armed services.

[3] NAACP Report, page 14.

Black servicemen profoundly distrust legal counsel available to them—be it military or civilian. There is a general complaint about the exorbitant cost of retaining civilian lawyers. At Chakmali Air Force Base in Turkey, Blacks complained that good lawyers were being discouraged by the command from taking cases. The same grievance was voiced at Mannheim and Frankfurt Bases in Germany—that lawyers are not really free to take cases because of pressure put on them through the idea that their career would be jeopardized by defending a Black and therefore, offending the command. Thus, because of a genuine lack of trust and confidence in lawyers, especially those supplied by the military, Blacks are unfamiliar with the alternatives open to them and consequently, suffer injustices which they do not merit.

At all European bases visited, Black servicemen reported that Blacks are treated with utter contempt by whites in the stockades. They also told that Blacks dominate the cell blocks because whites generally receive lesser sentences. Many times, it was reported, Blacks are put into the stockades after having been provoked into a fight by being called degrading names or just by having insults thrown at them by whites on the base and off. Relative to treatment in the stockades, Blacks spoke of times when they were severely beaten by guards for no reason at all and then denied medical attention. Some were sure that they had been beaten on orders from the command. Others spoke of times when, because of total frustration at seeing fellow Blacks being mistreated right before their eyes, they broke down and cried. At Mannheim, Germany, one Black soldier Pvt. James Mathews, 440th Signal Batallion, related the following incident:

"I have just been released from Mannheim Confinement Center—about a month ago. While in the stockade—I was placed in the box for causing a disturbance. There was no disturbance. I have proof to the fact. I was put in the box and wet with a hose. I don't know the exact amount of pressure the hose contained but it is said to be five hundred pounds of pressure. I'm not sure to this fact. They soaked me and my cell partner with the hose and left us in there for two days to lay in the water in our wet clothes—no beds, nothing. We stayed there. We asked for medical treatment. The medical man came around. They gave us no kind of help whatsoever. They asked us if we were okay. This is their daily routine—to ask if you're okay. If you're not, they'll come later on and see. That's all. I was sick. I told no one because I knew nothing would be done about it. For two days, this happened on a Friday, I didn't have any help until Monday when some NCO's came around . . . most of my time in Mannheim stockade, I was kept in the box for small things. Some I never did. Private guards put me in the box who had no rank, no authority. They threw me in the box and just said, 'Well, you can talk to the sergeant in the morning.' Sergeant (James) Witcher is responsible for the whole incident. He is a sergeant at the stockade. He has beaten prisoners in the stockade, Black prisoners. He has beaten whites also. But the whites are most likely scared to tell of the incidents because of Sergeant Witcher . . . my Unit, which is 440th Signal, is commanded by Colonel (name inaudible, possibly Colonel Herb). The situation with (this Colonel) and the Blacks has been critical . . . (he) has sent every Black I know that has stood up to him straight directly to Mannheim Confinement Center . . . he has just today transferred about three Blacks out of the company who he could not get out any other way. . . . ." [4]

The following statistics exemplify the condition of over-representation by Blacks in the stockades.

[4] Interview with Private James Mathews, Mannheim, Germany.

STOCKADE POPULATION, 3D ARMORED DIVISION, FRANKFURT, GERMANY, 1971

	Black		White		Others	
	Number	Percent	Number	Percent	Number	Percent
Month:						
April	22	42.0	31	58.0		
May	25	45.5	27	49.0	3	5.5
June	22	46.0	24	50.0	2	4.0
July	20	54.0	15	40.5	2	[1] 5.5

[1] Provided by Gen. Wm. Craft, 3d Armored Division, Frankfurt Germany.

This incident is only one example of unjust military standards and tactics which Blacks and whites must fear while in service to their country. The crux of the problem obviously lies with those who have the authority to take appropriate action. The strength of military leadership, in many cases, is at a very low level. Pains must be taken to correct this condition.

PROMOTION AND EMPLOYMENT

Military promotion and hiring practices are of great concern to Black servicemen. Pointing to the scarcity of Black officers and Blacks in high ranking jobs, they suggested that discrimination is prevalent among those with the authority to hire, fire, promote, and degrade. Black officers, almost all of whom are older, lack rapport with younger Blacks and are considered tokens and pawns of the military and tangible incentives and divisible rewards for Black servicemen. It is felt that they offer little help.

At Athenai Air Base in Athens, Greece, Blacks expressed a firm belief that performance reports and qualifications test scores were being purposely altered or inexplicably lost in personnel offices, giving whites priority in Base employment. They said that many Blacks assigned to positions are not given the actual power and authority that normally accompany the jobs. Blacks also feel that they are not being given jobs which provide adequate exposure to areas which give a greater base for future tests for better jobs. When they apply for jobs, Blacks noted that they are heavily scrutinized and often declared ineligible for employment, whereas whites who frequently have lesser qualifications, are reviewed somewhat superficially and given more priority.

Blacks at Mannheim, Germany, were also concerned about discrimination in employment opportunities. One serviceman said that when Blacks apply for jobs, they are often told that, "we don't have any openings," "we don't need this," "we don't need that," "we can't use you," or "we're overstrengthed." When complaints are filed about these conditions, the same excuses are given. In his Division, this serviceman reported that there is not a single Black in personnel management, processing, financing, or recording, and that whites who were no more qualified than Blacks are now holding these positions.

Another serviceman told that upon returning from leave, he found that he had been replaced at his job in the base gymnasium, even though he had the qualifications and experience necessary for the job. He was offered no explanation for his dismissal.

A related incident, at the Mannheim Compound, involved the firing of a Black who also worked in the base gymnasium. He was told that a school major in physical education was needed for his particular job. Two whites were hired in his place. One of the whites had a major in English and the other a major in industrial arts; both having minors in physical education. A Black with a physical education major and two years of

teaching experience behind him, who was a member of the Division, was never considered for the job.

Relative to promotion policies, the Third Armored Division at Frankfurt, Germany, set forth that "All of the Command will be given equal opportunity and treatment irrespective of race, religion, or ethnic or national origin. Every man will be judged on the basis of his job knowledge, his job performance, his on-duty and off-duty conduct as a soldier. Every member of the Division will be given equal opportunity to compete for promotions and privileges . . ." Yet, Black servicemen revealed that they knew of cases where Blacks had been in the service for a year or more and still had the rank with which they started. They claimed that when Blacks are up for promotion, in too many cases efficiency ratings are changed on orders from the Command by those who have access to the files. The following statistics show a clear discrepancy between what is military policy and what is actual fact.

1971 PROMOTIONS—3D ARMORED DIVISION

	Blacks		Whites	
	Number	Percent	Number	Percent
April:				
E-3 to E-4	22	11.0	182	89.0
E-4 to E-5	22	8.0	238	92.0
May:				
E-3 to E-4	49	12.5	341	[1] 87.5
E-4 to E-5	32	13.2	209	[1] 86.8

[1] Provided by 3rd Army Division, Frankfurt—General Craft.

In these two months, April and May, 1971, of 1095 promotions, the Third Armored Division, Frankfurt, only 125, or less than 11.2%, were awarded to Blacks.

	Blacks		Caucasians	
	Number	Percent	Number	Percent
June:				
E-3 to E-4	7	9.3	68	90.7
E-4 to E-5	5	7.1	65	92.9
July:				
E-3 to E-4	78	16.0	408	84.0
E-4 to E-5				

1971 PROMOTIONS—AVERAGE TIME IN GRADE BEFORE PROMOTION

June	Blacks (months)	Caucasians (months)
E-3 to E-4	6.7	4.6
E-4 to E-5	17.1	[1] 8.6

[1] Ibid.

Note: These facts are self-explanatory.

ENLISTED PERSONNEL BY GRADE

[Compiled Dec. 31, 1970]

Navy	Whites	Blacks	Others	Total	Percent black
E-9	3,282	52	41	3,375	1.5
E-8	8,635	283	176	9,094	3.1
E-7	36,323	2,134	1,655	40,112	5.3
E-6	71,344	5,494	4,215	81,053	6.8
E-5	88,552	4,269	3,772	96,593	4.4
E-4	121,552	3,622	4,892	130,066	2.8
E-3	117,849	6,625	7,640	132,114	5.0
E-2	55,690	6,482	1,077	63,249	10.2
E-1	9,481	1,464	297	11,242	13.0
Total	512,708	30,425	23,765	566,898	[1] 5.4

ARMY (COMPILED DEC. 31, 1969)

	Total	Percent black
E-9	5,195	6.1
E-8	17,662	11.1
E-7	59,567	16.6
E-6	105,382	20.7
E-5	204,472	11.0
E-4	343,178	10.9
E-3	170,678	11.2
E-2	171,066	7.6
E-1	183,194	5.0
Total	1,260,394	10.7

MARINE CORPS (COMPILED DEC. 31, 1970)

E-9	1,107	2.3
E-8	4,219	5.3
E-7	8,884	10.5
E-6	15,648	13.4
E-5	30,052	10.6
E-4	39,882	8.1
E-3	42,815	10.4
E-2	33,512	13.6
E-1	32,448	14.2
Total	208,567	[1] 11.2

[1] Provided by Office of the Chief of Naval Operations (Zumwalt)

AIR FORCE (COMPILED DEC. 31, 1970)

E-9	6,413	3.0
E-8	12,842	4.4
E-7	46,470	6.2
E-6	85,345	10.1
E-5	146,296	14.7
E-4	159,555	10.7
E-3	110,148	11.8
E-2	46,959	14.8
E-1	12,794	18.3
Total	626,822	[1] 11.7

OFFICERS BY GRADE

NAVY (COMPILED DEC. 31, 1970)

	Whites	Blacks	Others	Total	Percent black
O7-10	313	0	0	313	0
O6	4,228	3	1	4,232	.1
O5	8,319	25	20	8,364	.3
O4	14,930	82	50	15,062	.5
O3	20,990	123	59	21,172	.6
O2	16,917	103	45	17,065	.6
O1	6,875	82	28	6,985	1.2
Total	72,572	418	203	73,193	[1] .6

ARMY (COMPILED DEC. 31, 1969)

	Total	Percent black
O7-10	513	0.2
O6	6,319	.9
O5	16,469	4.1
O4	24,220	5.2
O3	42,656	3.7
O2	22,589	2.6
O1	30,636	1.7
Total	143,402	[1] 3.7

MARINE CORPS (COMPILED DEC. 31, 1970)

O7-10	78	0
O6	751	0
O5	1,634	.2
O4	3,534	.3
O3	5,317	1.4
O2	7,477	1.5
O1	3,039	1.9
Total	21,830	[1] 1.2

AIR FORCE (COMPILED DEC. 31, 1970)

O7-10	429	0.2
O6	6,133	.4
O5	14,933	1.2
O4	25,903	1.7
O3	49,389	2.2
O2	16,199	1.4
O1	14,857	1.2
Total	127,843	[1] 1.7

It is rather clear from these statistics that the military practices discrimination in its promotion policy. It is the objective of the United States and therefore the United States military to ensure freedom and equality for its citizens. Yet, the military openly defies this standard. Frustration and resentment is felt by low ranking Blacks who believe that they have either been denied or not considered for jobs which have been offered to and filled by whites with similar or lesser qualifications. The result is a further breakdown in Black-White relationships on the base. With such open discrimination and lack of satisfactory action on the part of those in power, Blacks feel a growing alienation towards the military.

SOCIAL AND CULTURAL PROBLEMS

American military social values place a great deal of emphasis on individual and inherited characteristics and membership in a community or group. The military has seemingly categorized its servicemen into social classes, and in the process has denied the Black serviceman the right to his own life style. Cultural aspirations have been repressed. The very things which serve to arouse group awareness—special and personal names, dress, and mores—have been racially insulted. Through social embarrassment and intimidation, Blacks, have, in essence, been denied human dignity. In the United States and overseas, through both personal interviews and letters, they have expressed repeated complaints about the discriminatory practices of Whites and local civilians on and off base. They feel anger yet they feel apprehensiveness.

Thus, immense problems lie in this area. One Black soldier at the Mannheim Compound, Pfc. Donald Barbar, reported that Blacks there are already talking in terms of revolution and that some type of violence is inevitable, that they just do not care anymore. He also said that Blacks are often reprimanded for gathering in groups of more than three at a time, that, at times, they have gone out into the woods in the early morning hours just so they would be able to converse privately. Sometimes, when they are discussing subjects such as Black History, officers have been critical and have ordered an end to the discussion. Rather clearly, this is an overt denial of the constitutional freedoms of speech, association, and privacy.

In Greece, at Athenai Air Base, Black servicemen indicated that they are particularly resentful of the fact that the base hospital frequently refuses to admit Blacks and give to them full medical services, to which they are surely entitled. They complained of the lack of beauty parlor service, of Black entertainment, of discrimination in Greek bars and clubs, and that after they made these conditions known to the base commander, no satisfactory action was taken to alleviate the problem. After having reviewed the services available at Athenai, these complaints held apparent validity.

At Chakmali Air Force and Army Base in Turkey, there were complaints that neither Black literature nor periodicals were provided in either the PX or the Base library, which the total unit helps to fund. This situation, in fact, was found to be most common throughout our bases in Europe. Furthermore, the Base made no response in any way to the many requests that Black literature be provided. There was also testimony of discrimination in intramural sports, especially in the procedure used to set up teams and rules for eligibility to participate. Base entertainment is subsidized by a general fund—paid into by all servicemen. However, on almost every base visited, there is a lack of opportunity for Blacks to plan for the dispersal of such program funds.

At Mannheim, too, grievances were voiced over racism practiced by both Germans and White Americans. Blacks complained of segregated bars and other places of accommoda-

tion, that it is impossible for them to socialize except at the base, and that, for the most part, their grievances fall on deaf ears and undue procrastination. Often, a complaint registered will never reach anyone with the authority to take action. Relative to appearance, Blacks claimed that they are being deprived the right to wear an Afro-style haircut, thus depriving them of personal freedom and happiness. They also pointed to the lack of any real effort to obtain Black entertainment. They spoke of only two clubs in the city which are open to Blacks and even in these places, they felt an uneasy atmosphere and overwhelming tension. They were usually stared at, and have been the targets of sarcasm and mockery by others. One Black serviceman told of the following incident at a Frankfurt club:

"About nine Black servicemen approached the entrance of a nightclub which had a sign on its door reading "Admittance for Members Only." When they knocked on the door, a man answered it and, without provocation, threatened to call the police. The servicemen insisted that they had done nothing wrong and that other people, who were not members, were entering. They were then told that a coat and tie were necessary for admittance. After observing others entering and seeing that this was not the case, they were told that the club was overcrowded and that members only were being admitted at the time. This also proved to be false. After a short while and without using force, these Black servicemen went inside. Immediately, they were remarks about "colored boys." With tension building and violence imminent, the Black servicemen, wanting to avoid trouble, left. At the base, they reported the incident to Lt. Col. Porter, the Base Commander, who was somewhat indifferent. They tried to reach another colonel but were denied the opportunity. Their grievances went unheard and subsequently, nothing was ever done about the situation."

I personally visited this club and found the owner to be in command of a hostile and condescending attitude toward Blacks.

Besides complaining about the lack of a direct line of communication to the Base Commander about Black problems, Black servicemen also made mention of the fact that "soul" food was not provided and in particular, that they were explicitly ordered, time and time again, to refrain from using the Black power salute, something they consider to be a personal means of communication and unification. They spoke of being treated in terms of "they all are the same," "they all do this," "they all do that."

Other complaints revolved around reprimands for length of hair—such as being put on "KP" detail. Blacks were especially disturbed about being told not to listen to or play soul music. In one instance, they reported that the commanding officer ordered them to shut off soul music, though it was bothering no one when later on, white servicemen, who were throwing liquor bottles out windows and blasting music, were not even given so much as a warning.

It was found in Germany especially that very often base commanders over-react to the gathering of Blacks. There is a definite parallel to situations of this nature that exist in our own cities with police overreaction. One night, upon being alerted that a riot was to take place in Hanau, Germany, I spent the entire night going in and out of bars talking with both white and black servicemen. I found that the real stimulus to any outbreak of violence was the over-abundance of military police on the streets. There must have been five MP's or more per black soldier in bars and clubs. Many of the white MP's were not wearing name plates. Black servicemen told me that the absence of a name plate (the wearing of which is Army regulation) prohibited them from being able to report an MP if such a case arose. This type of experience serves as a clear example of a prevailing harassment which very often can ignite serious conflict and confrontation.

Discrimination is also present in on and off base housing conditions. It particularly affects married black servicemen who are provided with small allowances for dependents. On base housing is predominantly restricted to those with the rank of E–5 or above. Since blacks are disproportionately represented in these ranks, there exists an enormous problem among blacks when it comes to seeking housing off the base. In addition to this, when they search for off base housing, they run into the same type of racial practices which exist on the base. They reported having to pay more than white servicemen do for the same unit. Frequently, they are simply denied housing even though there are vacancies.

Black servicemen complain that the military has done literally nothing to alleviate the situation. Some military housing offices have turned their backs to the problem, giving it no acknowledgement of existence. They have continued to list places of residence which they know to be discriminating, knowing that this is in violation of military regulations. This indifferent attitude on the part of military authorities has only served to perpetuate the entire problem of racism in the military.

Black women teachers reported having difficulty finding placement. One elementary school in Frankfurt has approximately seventy teachers, only three of which are Black. A lack of Black administrators in the schools was also indicated. Only one was said to be known in Heidelberg. In Weisbaden schools, there were complaints about the miniscule usage of Black studies materials. Elementary schools receive them yet fail to make use of them, while high schools do not receive these materials at all. Regulations concerning this matter state "may teach" rather than "must teach." In other words, schools have the option of whether or not to accept the Black studies program.

Letters from Black servicemen indicate that the situation is comparable at bases in the United States. Blacks at Minot Air Force Base in North Dakota wrote that a big problem is hair length and methods of regulation enforcement and cite as an illustration of the issue, the following example.

Recently, pictorial guides were distributed on the base displaying the way blacks would be permitted to wear their hair. Immediately, there was discontent and constructive effort on the part of Black airmen to change the situation. Yet, it persisted. To further press the standards, "roving patrols" were initiated. Composed of a commissioned officer, a non-commissioned officer, and a photographer; their responsibility was to seek out violators, photograph them, and prosecute them.[5]

This gives rise to questions. "Is the roving patrol a repressive and oppressive concept?" "Does the right to be refused to be photographed exist?" "Does this restrict the freedom to privacy in personal appearance?" Rather obviously, the answers here are all definitely "yes."

These are merely a few of the examples which "typify" the sort of freedom Black servicemen are permitted in pursuing their life style. They are required to protect the integrity of democracy and the cultural values of those here in America and those abroad. Yet, they themselves lack the very benefits of these concepts. Military life has extensively deprived its Black servants the right to lead a normal life.

NATO STATUS OF FORCES AGREEMENT

The jurisdictional authority of the NATO Status of Forces Agreement is presently being questioned regarding the cases of Privates Bernard Tucker and Nathaniel Holmes. A review of NATO-SOFA reveals the following information:

A. The guarantees under Article VII, Section IX:

This particular section pertains only to those men who have been tried in a foreign court. "Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving state, he shall be entitled:

1. To prompt and speedy trial;

2. To be informed, in advance of trial, of the specific charge or charges made against him;

3. To be confronted with the witnesses against him;

4. To have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the receiving state;

5. To have legal representation of his own choice for his defense, or to have free or assisted legal representation under the conditions prevailing for the time being in the state;

6. If he considers it necessary, to have the services of a competent interpreter; and

7. To communicate with a representative of the government of the sending state and, when the rules of the court permit, to have such representative present at his trial."[6]

B. In the same treaty: "The receiving state and sending state shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense."[6]

Privates Tucker and Holmes were convicted of the attempted rape of a German girl in December, 1970. They were sentenced to three years in jail. While their case was on appeal, Tucker and Holmes left Germany. This took place during the first week in June, 1971. They flew to the United States and enlisted the assistance of Representative Shirley Chisholm. They voluntarily surrendered to the Pentagon on June 9, 1971.

The trial of Tucker and Holmes was in direct and clear violation of NATO–SOFA, Article VII, Section IX, in the following respects:

A. Tucker and Holmes were denied the right to a prompt and speedy trial. The alleged offense occurred on July 4 or 5, 1970. Trial was held in December, 1970.

B. Tucker and Holmes requested certain witnesses who said they would testify in their defense. They were told by authorities that they would fare better if they had fewer witnesses. Material witnesses departed Germany in the ensuing weeks. The United States representatives had a responsibility to (1) flag the potential witnesses or (2) in the alternative, to request that they be returned to Germany from the States if these witnesses were still under military jurisdiction, or if these potential witnesses were no longer members of the armed forces, to seek them out and inform them that Tucker and Holmes had requested their presence and would be willing to finance their trip back to Germany.

C. Tucker and Holmes were denied legal representation of their own choice for their defense. Both men requested that they be represented by an American civilian attorney. Yet, they were told that Americans were not permitted to practice in German courts and that the Army would pay for a German attorney to represent them. Tucker and Holmes, not being learned in the German language, requested that this argument be presented to both American authorities and the German Court. They assumed their German attorney had done so. In sum, they were denied the right to have legal representation of their own choice.

[5] Letter from Case File, Minot AFB.

[6] NATO-Status of Forces Agreement.

D. Tucker and Holmes were denied the right to be confronted with witnesses against them. The German court allowed a United States Army CID agent to testify that one of the alibi witnesses who was no longer in Germany had told him that Holmes had told this potential witness to say that both he and Tucker were playing monopoly on the night of the alleged incident. The Judge asked the CID agent if he had this in writing. The CID agent did not. However, the German court considered this testimony in its finding of guilt. Tucker and Holmes were not given the opportunity to confront this witness. That is, their alibi witness, now allegedly turned government witness.

During the course of the trial, the German court ordered Tucker and Holmes and all Black spectators to be removed from the courtroom because of the alleged fear of the "victim" to testify in their presence. Confronting a witness implies the right to be physically present to hear as well as rebut the testimony.

E. Tucker and Holmes were granted an interpreter. Yet, from time to time, they were not aware of what was being said because parts of the testimony were being lost in the translation. An American lawyer would have made matters a great deal simpler. On June 10, 1971, Tucker and Holmes were placed in pre-trial confinement at Fort Belvoir, Virginia, on AWOL charges. These charges were not read to Tucker and Holmes and no immediate action was taken to try them for the offense or dismiss the charges, which is a requirement of the Uniform Code of Military Justice. On the same day, they were granted a temporary restraining order prohibiting the Secretary of Defense from sending them back to West Germany. Again, on the same day, Tucker and Holmes were charged with willfully disobeying a lawful order of a superior commissioned officer to remain in West Germany. They were not informed of the charges until October 14, 1971.

On June 23, 1971, and again on July 16, 1971, Tucker and Holmes demanded speedy trial. This was denied. On July 6, 1971, authorities extended the pre-trial confinement order beyond the original thirty day period. A request for speedy trial was made again on September 13, 1971. Again, this request was denied. Thus, attempts to demand speedy trial have been met with futility.

Military Counsel for Tucker and Holmes petitioned for a writ of habeas corpus from the Court of Military Appeals and reqeusted the Court show cause why they should not be released. In its reply to the order to show cause, the Court saw fit to deny the release of Tucker and Holmes even though:

1. Tucker and Holmes have been kept in pre-trial confinement despite numerous requests for a speedy trial or dismissal of charges.

2. Tucker and Holmes have been imprisoned longer than the time they would have served for the AWOL charges which have been preferred against them.

3. On the basis of the conduct of Tucker and Holmes in appealing to military and civilian authorities for a speedy trial, there is every indication that they would not flee military or civilian jursdicton.

Under the NATO Status of Forces Agreement, the District Court for Washington, D.C., though it has granted a temporary order prohibiting the return of Tucker and Holmes to West Germany, believes that jurisdiction in this case belongs to the German court in which Tucker and Holmes were tried. Yet, the fact that pre-trial confinement has been extended by the U.S. Army implies acceptance of jurisdiction and therefore should immediately grant trial to Tucker and Holmes in the United States. Army Regulation 190–4, paragraph 1–3D(3) states:

"Pre-trial confinement in excess of thirty days will be permtited only when personally approved in each instance by the officer exercising general courtmartial jurisdiction over the command which ordered the investigation of the alleged offense . . ."

Thus, Tucker and Holmes must be tried at once or charges be dismissed. Otherwise, the extension of pre-trial confinement is illegal and Tucker and Holmes should immediately be released. What this all amounts to is preventive detention. Pre-trial confinement without any attempt to secure trial is unlawful. There is no reason why Tucker and Holmes cannot be tried in the United States for all the existing charges against them. The United States military has exercised its jurisdiction over the case simply by extending pre-trial confinement. The NATO Status of Forces Agreement does not pertain to the existing charges against Tucker and Holmes. Since it is irrelevant to the case, speedy trial should be granted at once. As of the printing of this report, the Court of Military Appeals has denied their petition for habeas corpus. The Federal Court of Appeals for the District of Columbia, has rendered no decision as to whether or not the District Court has jurisdiction to consider the fairness of Tucker and Holmes' trial pursuant to the guarantees to the NATO Status of Forces Agreement.

RECOMMENDATIONS

At the out-set, it should be noted that the attitude and spirit of General Michael S. Davison, the new Commander-in-Chief of United States forces in Europe, are both commendable and encouraging. In a two hour private session with the General, a forthright and frank discussion was held on possible co-operative moves that should be made on both our parts, to initiate solutions and remedies to discrimination. The General agreed that a basic first step must be a bold and firm commitment, from the top command both in Washington and in the field in order to eliminate prevailing racism—and a thorough follow-through with command dictates.

No one commander nor legislative body can produce a full recipe for curing a social and human cancer which has existed for decades in such a closed establishment as the United States Military. However, there are certain first steps which must be taken in order to make real many years hence, the possibility of a racist-free and effective military. Further, at this critical point it is highly important that we recognize the urgency with which Black servicemen have carried their plight to Washington, and the real potential for open hostility and violence both on bases and in the surrounding civilian communities at home and abroad.

Thus, the following recommendations are offered and urged for immediate consideration and implementation:

1. A complete review of the Military Code of Justice both by the Department of Defense and the Armed Services Committees of the U.S. House of Representatives and Senate.

2. The establishment of the position of Assistant Secretary of Defense for Equal Opportunity.

3. The establishment of the position of "Special Assistant for Equal Opportunity" to be placed under the direct and immediate command of the Secretary of Defense, the Secretaries of each branch of the service, as well as the Chief-of-Staff of each branch. It is imperative that this assistant maintain quick and open access to those men in the top command in the defense structure.

4. The commencement of investigatory hearings by the Armed Service Committees of the House and Senate into the N.A.T.O. Status-of-Forces Agreement with specific emphasis on those provisions affecting our maintainance in the Federal Republic of West Germany. That provision which provides for "exclusive jurisdiction" or custody over American military personnel must be fully scrutinized and altered.

5. The immediate establishment by command order (as has been agreed by General Davison) of Human Relations Councils on every American Military base in Europe as well as the United States. These councils are a necessary first step, and should reflect a broad cross-section of base life as well as administration in their composition.

6. A stepped-up recruitment campaign within the military and in co-operation with our nation's law schools for the placement of more Black legal officers in the Judge Advocate General's Corps. That further, the Army impanel a greater number of Black court-martial judges. The present court-martial panels reflect the days of the old South, where there existed only all white juries in our courtrooms.

7. That the United States government commence immediately negotiations with the Federal Republic of West Germany on the availability of off-base housing in military areas and specific measures which can be taken by both governments to alleviate the acute shortage, racial or otherwise, of available housing for Black servicemen and their dependents.

8. The prohibition of patronization of all of those social clubs and bars located in overseas communities that practice racial discrimination. Such a mandatory and command-imposed economic boycott is essential if racial barriers are to be eliminated. These "off-limit" sanctions should be imposed for an indefinite period of time—until the ownership of such establishments agree to alter their practices.

9. That the period of pre-trial confinement be held at a minimum, and that no serviceman be held in such confinement more than twenty-four hours without legal counsel.

10. That a wholesale review of punishment issued in U.S. Military stockades be ordered. Specific emphasis should be given to the elimination of the use of high-powered hoses and the reduced-diet as forms of reprimand.

The National Association for the Advancement of Colored People, under the very able leadership of Nathaniel Jones, its chief legal counsel, has put forth a number of constructive recommendations to the Secretary of Defense. Those proposals, which provide potential for the long-range cure of racism in the military, are heartily endorsed, and should be implemented without delay.

The recommendations which have been submitted in this report are drawn from the observance of the immediate need to commence a problem-solving process. They, by-in-large, can be implemented by executive or command discretion, and are seen as ways in which the immediate potential for open violence and hostility can be stemmed. They by no means can represent a "cure-all" approach to one of the most indulging and insidious enemies that the American soldier has fought on or off of the battle-field.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, in introducing this bill today, I think it is only fitting to say a few words about the man it proposes to memorialize.

A Polish patriot and revolutionary soldier, Thaddeus Kosciuszko figured heavily in the success of the American Revolutionary War. As a young man, he studied engineering and artillery. His

imagination fired upon learning of the American fight for independence, he traveled to America where he worked with Delisle and Payne in drawing up plans to fortify the Delaware River. His successful work led to his commission as colonel of engineers in the Continental Army in October 1776. In the spring of 1777, he joined the Northern Army and advised on the fortification of Mount Defiance. The importance of Kosciuszko's choice of battlefields and erection of fortifications cannot be underestimated and his decisions contributed in large part to the stunning victory over Burgoyne at Saratoga for the Americans.

Placed in charge of transportation under Nathaniel Greene during the winter of 1780–81, Kosciuszko's fine work was manifested in the masterly retreat and regrouping against Lord Cornwallis.

Serving in the cavalry in 1782, he was one of the first of the Continentals to enter Charlestown after British evacuation.

In 1783 Congress conferred upon him the great honor of brigadier general.

Returning to his beloved Poland in 1784, he became a major-general in the Polish army and led on two different occasions uprisings in resistance to the Russians, the second of which won him for a short time—March–October, 1784—a leadership role. During this period he promulgated many liberal reforms. In October, 1784, Kosciuszko was taken captive by the Russians, and after 2 years of captivity, was released. He then returned to Philadelphia.

An exile, he continued his brave, but unsuccessful fight for Polish freedom until his death in Switzerland in 1817.

I think it only fitting that we set aside a national historic site in Pennsylvania to pay tribute to this fine man who devoted his life to the ideals of freedom for all men. Whether in his adopted America or his beloved Poland, he dedicated his talents and energies to fighting the forces of aggression in pursuit of freedom.

It is also appropriate that we pay tribute to a man who played such an important role in the success of the American Revolution and I would urge my colleagues to join with me in my efforts to secure adoption of this legislation.

FEDERAL RESERVE POLICIES COULD LEAD TO DEPRESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, the Federal Reserve's tight-fisted monetary policies may wreck whatever chances we have for a real economic recovery.

The Federal Reserve needs to do two things to make sure that the Nation's economy expands and provide the necessary jobs:

Force a reduction in interest rates—a real reduction at all levels and not just limited to rates paid by the prime and affluent customers, and

Expand the money supply sufficiently.

Unfortunately, there are indications that the Federal Reserve is up to its old tricks of contracting the money supply at a critical juncture in the Nation's history.

Economic conditions are much worse than the political soothsayers within the Republican Party will admit. The President is going to have to take definite steps to make certain that the Federal Reserve does, indeed, carry out monetary policy in a manner consistent with an economic recovery program. If the Federal Reserve does not force a more dramatic drop in interest rates and if the money supply is contracted, we may be headed for a first-class depression.

Today, I received a copy of a letter written to Dr. Arthur Burns, Chairman of the Federal Reserve Board, by John W. Wright, president of Wright Investors' Service of Bridgeport, Conn. Mr. Wright whose business is keeping track of economic conditions, warns Dr. Burns of the grave problems facing the Nation if the Federal Reserve mishandles the monetary machinery at this critical period in our history.

I hope my colleagues will read Mr. Wright's letter carefully, and I hope that Dr. Burns and his colleagues at the Federal Reserve will consider the serious questions raised by this correspondence. Mr. Speaker, I place in the RECORD a copy of the letter:

WRIGHT INVESTORS, SERVICE,
Bridgeport, Conn., November 16, 1971.

Hon. ARTHUR BURNS,
Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR MR. CHAIRMAN: If you truly believe, as you have repeatedly stated, that "the country needs lower interest rates", the time has come for you to see to it that the Open Market Committee of the Federal Reserve Board suits its actions to your words. Time is, in fact, now running out fast, for unless vigorous corrective action is taken at once, the course of current FRB monetary policy will soon return the nation to the economic recession from which the Administration is endeavoring to free it.

You have repeatedly testified that non-inflationary economic growth requires consistent, moderate expansion of the money supply; but the record continues to reflect the extremes of contraction—expansion—contraction which have been typical of prior years. The excessive expansion of money and credit of 1967–8 which introduced inflation into a war strained economy, was followed by equally excessive and prolonged restrictions which, by the spring of 1970, brought the nation to the brink of financial collapse and caused the most severe decline in security values since World War II. As you well know, disaster was then averted only by a last-minute massive infusion of credit and a policy reversal to restore an adequate supply and maintain an adequate rate of growth of money and credit. Now we are once again witnessing another reversal from growth to depletion, a policy adopted in the name of inflation control, and prematurely calculated to slow a business expansion which has not yet even gotten under way.

We submit that this concept is completely false and that the present policy of the Open Market Committee of the Federal Reserve Board will, if not reversed immediately, have the most serious adverse effects on the economic welfare and the financial security of the people of the United States. The following facts should be self-evident to you:

(1) By every historic standard, the current money supply is not at all excessive in relation to the current depressed rate of Gross National Product, and is clearly inadequate to finance the restoration of economic growth which both the President and the Congress have established as an urgent national objective.

(2) Continued uninterrupted growth of the money supply is essential in order to bring about a progressive reduction in interest rates which are still far too high—much higher than in any prior period of economic recovery. No amount of federal deficit spending can get this country going again as surely as would 4½% bank loans and 5½% home mortagages.

(3) There is nothing inflationary about low interest rates. During the fifteen years prior to last year's extremes, interest rates were substantially below the current level and inflation averaged an annual rate of only 2.5%.

(4) There is no longer a need to maintain high interest rates at home in order to restrict the outflow abroad of U.S. capital. The Administration's new international program is adequately correcting our adverse balance of international payments; and, in fact, has already brought about a decline in foreign central bank rates which is substantially greater than the nominal reduction which your Board has thus far permitted in the United States.

(5) Persistence by the Open Market Committee in a policy of monetary and credit restriction at this time, would effectively negate the New Economic Program. It would obviously parallel the FRB's disastrous mistake in the early 1930's when it shrank instead of expanding the money supply and thereby fatally accelerated the downward economic spiral which has since been known as "The Great Depression".

The sharply contractionary current monetary policy of the Open Market Committee is now obvious to businessmen and investors generally; as is the fact that this policy is also sharply contradictory to the economic policies of the Administration and the Congress. The recent shrinkage of values and liquidity in the securities markets should be a clear warning to you of the dangers into which this course, if continued, will take the Board and the Nation.

Your leadership at today's meeting of the Open Market Committee can be decisive in determining the course of the economy and the securities markets for some time. What is wanted now is a clear and unequivocal statement by you which will reassure the business and investment communities that:

(1) The current level of interest rates is still excessively high and will be reduced to traditional levels.

(2) The Federal Reserve Board does not believe that a policy of reasonable credit ease and steady monetary growth is inflationary or in any way incompatible with the new economic program.

(3) Businessmen and investors may have full confidence that the Federal Reserve Board will take all appropriate actions to insure that these policies will be carried out effectively.

I would be most grateful for a prompt and forthright reply.

Sincerely yours,
JOHN WINTHROP WRIGHT,
President.

FORTIETH ANNIVERSARY IN LEGISLATIVE LIFE OF THE HONORABLE JOHN H. DENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 10 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to take this opportunity of reminding my colleagues of a very important anniversary today. November 17, marks the 40th anniversary in legislative life of my good friend from Pennsylvania, the Honorable JOHN H. DENT.

JOHN DENT'S first legislative position in 1931 was with the borough council of Jeanette, Pa. Since then he has been elected to the Pennsylvania General Assembly, after which he won election to the State senate.

Serving 20 years in the State senate, a record equalled by only 21 other men in the history of that body, JOHN served for 17 years as the Democratic floor leader.

During his career in the State senate, he was in the front lines of the battle to develop meaningful legislation to protect working men and women from unfair labor practices and poor working conditions.

If anyone typifies the qualities of the dedicated legislator my good friend JOHN DENT certainly has in him those ideal qualities. The art of good politics is the recognition of what is necessary to the interests of those whom we represent as well as the ability to effectively transform that public interest into meaningful legislation. More than a politician, however, JOHN DENT fills the role of a statesman. Certainly he meets the pragmatic definition of Walter Lipmann who wrote:

The politician says: "I will give you what you want." The statesman says: "What you think you want is this. What it is possible for you to get is that. What you really want therefore is the following."

In the years he has been in the House of Representatives he has lived up to the role of statesman. Highly effective in the fight for practicable legislation in the interest of American working people, he was exceptionally instrumental in obtaining passage of more equitable amendments to the Minimum Wage Act, broader coverage of the Fair Labor Standards Act, the Coal Mine Health and Safety Act, vocational education, library services, and the elimination of age discrimination among older working Americans.

Mr. Speaker, I offer congratulations to my good friend, JOHN DENT, and my best wishes for as many terms in Congress and public life as he desires. For however long he is in public life, the public interest will be well served.

THE U.S.S. "WILKES-BARRE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, I will be privileged on Friday morning of this week to deliver an address at ceremonies in Wilkes-Barre—the city I have been fortunate to represent in the House for nearly a quarter century—as the permanent memorial to the U.S.S. *Wilkes-Barre*, the beloved World War II naval cruiser which bore the name of the home city in northeastern Pennsylvania, is dedicated.

The ceremonies formally opening the official resting place of the ship's anchors will take place on the Luzerne County Courthouse lawn, with proper military rituals which will include music by the 4th Naval District Band, from Philadelphia.

The occasion will be the culmination of months of research and determined efforts by a group of proud residents who wanted to preserve at least a part of the cruiser which sailed the high seas during the war.

Scores of tributes could be paid to those who pursued so diligently the cause of a shrine for the two anchors, and I shall not attempt to name all of them today.

I daresay, Mr. Speaker, that were it not for the outstanding financial participation of Mr. Oscar Weissman, a renowned businessman and civic leader in the northeastern Pennsylvania area, this great occasion might never take place. With his backing, it was possible to make and carry to completion the innovative plans which brought the huge anchors from planned destruction in naval operations tests to their resting place at the Luzerne County Courthouse.

Mr. Weissman is carrying on in the proud distinguished tradition of his late father, Charles Weissman, who did so much for so many residents of northeastern Pennsylvania.

Mr. Robert T. Conway, representing the northeastern Pennsylvania Council of the Navy League was most instrumental in his role, along with David J. Philbin, the council president. I commend also the Luzerne County Commissioners: Frank Crossin, Edmund C. Wideman, Jr., and Mrs. Ethel Price for their appreciation of local history in making the land available for the memorial. Architect Carl J. Schmitt designed the memorial.

I could not let this occasion pass without also commending the untiring efforts of retired naval Commander John C. Bush, who performed so dilligently in keeping the public informed of the events which led to Friday's dedication. Commander Bush has over the years performed outstandingly as an information officer for this event and scores of other naval-connected affairs in northeastern Pennsylvania and in the entire Philadelphia Naval District.

I will be joined on the Friday morning program by Rabbi Abraham D. Barras, spiritual leader of Temple Israel, Wilkes-Barre, who will offer invocation. Reverend Jule Ayers, pastor of the First Presbyterian Church, will give benediction. Gino Merli of Peckville, Pa., will lead the pledge of allegiance. Mr. Merli is a Congressional Medal of Honor recipient.

The occasion will be enhanced, and truly completed in the historic sense, with the presence of Rear Adm. Robert L. Porter, the commanding officer of the U.S.S. *Wilkes-Barre* during its service in the Asiatic-Pacific waters during 1944 and 1945. Now in retirement in Wynnewood, Pa., Admiral Porter in 1945 was made an honorary mayor of the city of Wilkes-Barre, by former mayor, my good friend, Con McCole, thus displaying the proud sense of history which the people of the city held for this great cruiser.

The entire story of the U.S.S. *Wilkes-Barre*, from shipyard to decommissioning was brilliantly researched and reported by Harrison H. Smith, president of the Wilkes-Barre Times Leader Evening News in a seven-installment series beginning this fall. It is my pleasure at this time, Mr. Speaker, to submit for the RECORD the entire series, which was prepared by Mr. Smith, who also was most instrumental in the project of creating a permanent memorial.

Before doing so, Mr. Speaker, I would like to say in conclusion how proud I was to play a major part in arranging for the procurement of the two anchors, which were taken to Wilkes-Barre. As a member of the Subcommittee on Defense Appropriations, it is a source of great pride for me to speak at these ceremonies.

Mr. Smith's report follows:

U.S.S. "WILKES-BARRE"

It is doubtful whether employes of the Cramp Shipbuilding yards, or for that matter the residents of the nearby town of Kensington, Pennsylvania, ever witnessed such a patriotic demonstration as that which accompanied the laying of the keel of the USS Wilkes-Barre, thirtieth anniversary of which was marked on Wednesday of this week.

A special train had accompanied the Wilkes-Barre delegation of several hundred persons to Philadelphia, including members of Concordia Singing Society who not only livened up the group en route, but gave a brilliant performance at the official ceremonies.

It was actually a dual observance, since the Wilkes-Barre contingent was joined by a massive group of Kensington residents, the shipbuilding community along the Delaware where the yards were located, who were celebrating the fact that more than $30 millions in government contracts had just been awarded there for warship construction during this critical period of World War II.

DEMONSTRATION TERMED "JUBILANT"

Employes of the yard and Kensington residents alike, joined with Wilkes-Barreans in a huge parade interspersed with forty musical organizations prior to the start of the official ceremonies. An estimated crowd of 100,000 spectators and participants gathered for the historic event.

Under the heading, "Cruiser Wilkes-Barre Marked By Pomp and Panoply" one local editor remarked:

"A proud and delighted Wilkes-Barre, a jubilant and demonstrative Philadelphia and an interested Commonwealth and nation joined on Saturday in celebrating with pomp and ceremony the rededication of the 100-year-old Cramp shipyard at Kensington, along the Delaware River, and the laying of the keel of the 10,000-ton Cruiser Wilkes-Barre.

"As sounded at the keel-laying exercises the Wyoming Valley note was without precedent. The nation and the Commonwealth no less than the city were represented on the program by natives of Wyoming Valley.

"Admiral Harold R. Stark, chief of naval operations, son of Wilkes-Barre, a key man in the nation's defenses and today a world figure—it would be superfluous to say that he is a 'local boy who made good'—spoke for the Navy and the American people. He was flanked on the platform by at least five other admirals of the United States Navy.

ON NATIONAL NETWORK

"Pennsylvania was represented by Governor Arthur H. James, native of Plymouth, who said in his speech and radio broadcast heard

over the nation, "To the keel-laying of the new light cruiser USS Wilkes-Barre I come not only to represent the Commonwealth, but as a lifetime resident of the Wilkes-Barre area.'

"Wilkes-Barre itself was represented by Mayor Charles N. Loveland, who expressed a hope that 'the efficiency, reliability and dignity for which our city is known will be built into the structure and plates of the new cruiser."

Floats depicting historic mile-posts had their eminently appropriate place in a parade which as it wound its way over the streets of Kensington passed within a stone's throw of where Penn and the Indians made their famous treaty. "Penn's Treaty with the Indians" was shown in picturesque fashion on one float.

As a crane lowered the eight-ton first section of the Wilkes-Barre's keel into place, the John D. Stark Post Band of Greater Pittston played "Anchors Aweigh." Forty-nine members of Concordia Singing Society of Wilkes-Barre, wearing white miners' caps, sang. Nearby was the colorfully uniformed bugle corps of Wilkes-Barre's Post 132.

OTHER DISTINGUISHED PARTICIPANTS

High ranking navy and army officers were on the speakers' stand. Other speakers included acting Mayor Bernard Samuel of Philadelphia, and Rear Admiral William G. DuBose, head of the shipyard and chairman of the exercises.

Among official delegates to the dedication were County Commissioners Robert Lloyd, Herman Kersteen, and Stanley Janoski; Mayor James Costello of Hazleton; R. H. Levy, president, and J. Arthur Bolender and Edward Smith, Jr., secretaries of Wyoming Valley Chamber of Commerce; James Garrity, secretary of Pittston Chamber of Commerce and E. L. Lindemuth, president of Wyoming Valley Motor Club. The exercises attracted many Philadelphians with Wilkes-Barre connections.

Among the spectators was Mrs. Edward B. Chase, sister-in-law of Admiral Stark, and her daughter, Miss Bernadene Chase.

In the parade were three floats representing Wilkes-Barre and the anthracite region, one carrying a model of the new cruiser, contributed by the City of Wilkes-Barre. Others were provided by Anthracite Institute and Blue Ribbon Cake Company.

Naval officials on the speakers' platform included Admiral S. M. Robinson, chief of the bureau of ships; Rear Admiral A. H. Van Keuren, assistant chief and Rear Admiral A. E. Watson, commandant of the Philadelphia Navy Yard.

PART 2

What could be referred to as "the fortunes of war" was the ironic note that the original Cruiser Wilkes-Barre, the keel of which was laid September 6, 1941, as outlined in last week's Valley Views, was to be designated by another name.

First word of this development brought keen disappointment to citizens of Wilkes-Barre and especially those who had labored long to assemble gifts and tokens for the officers and crew of the 10,000-ton vessel which was to have been the city's namesake.

Instead, on March 6, 1943, the ship was finally launched as the Cruiser USS Astoria, named for one of the three heavy cruisers sunk off the Savo Islands during a running battle with Japanese navy units in August 1942.

Prior to this time, however, Mayor Charles N. Loveland had received assurances from Navy Secretary Frank Knox that another cruiser, already in process of construction at the Philadelphia yards of the New York Shipbuilding Company, was to be named "Wilkes-Barre" to take the place of the ship originally scheduled to carry the city's name.

COMMITTEE REACTIVATED

The original committee was reactivated and expanded, and preparations began for another ceremony to be staged by representatives of the city to give the newly designated cruiser an adequate send-off.

However, wartime security regulations prevented circulation of information on the progress of construction and the exact date upon which the ship was to be launched. Finally, on December 24, the cruiser slid down the ways at Camden, following a ceremony which was brief and simple, in keeping with wartime custom and Navy regulations.

Sponsor of the ship was Mrs. Charles H. Miner, wife of a prominent Wilkes-Barre physician and mother of Lt. C. H. Miner, Jr., USNR, then in the Naval Training School in Hampton, Va. Her daughter, Miss Stella Miner, was "maid of honor" for the Navy formalities.

Only a small group of invited guests saw Mrs. Miner smash the traditional champagne bottle against the hull to send her down the ways, precisely at 12:36 p.m. on the day before Christmas, 1943.

COMMANDING OFFICER ASSIGNED

A Wilkes-Barre gold star mother was among the launching ceremony guests. She was Mrs. Stanley Snyder, two of whose sons had been killed in action while serving as Army sergeants. Others in attendance included Col. Ernest G. Smith, Mayor Charles N. Loveland and Rear Admiral Roy W. Ryden, Navy supervisor of shipbuilding in the Camden area.

In a little more than seven months after her launching, the Cruiser Wilkes-Barre was in a state of readiness for her commissioning.

With final stages of construction and placement of equipment approved by the Navy Department, July 1, 1944, was set as the date for the cruiser to be officially turned over to the officers and crewmen assigned. First commanding officer of the "Wilkes-Barre" was Captain Robert L. Porter.

Another representative group of citizens from Wilkes-Barre was then assembled for the journey to the Philadelphia Navy Yard, where utmost security precautions had been taken for the ceremony.

The local committee included Chamber of Commerce officials, heads of various civic organizations and a number of distinguished guests invited for the occasion.

The ceremony got underway at 3:30 p.m. on the afternoon of Saturday, July 1, with Captain Porter presiding. He stated:

TURNED OVER TO NAVY

"The ceremony which you will now witness represents the beginning of the career of the 'Wilkes-Barre' as an integral part of the Navy. Up to this time the ship has been in the process of construction, but now it is ready to join the fighting ships of the Fleet."

Captain Porter then placed the ship in commission, the national ensign was hoisted and the commission pennant broken. He then read the orders directing him to assume command, after which he set the watch.

This was the last official act performed by the Wilkes-Barre Cruiser committee before the ship embarked on its long and arduous tour of wartime duty which included logging more than 100,000 nautical miles in the South Pacific theater of war before being later assigned to European waters.

PART 3

When New York Shipbuilding Corporation's cruiser hull No. 466 was placed in commission at the Navy Yard, Philadelphia, Pennsylvania, on the first day of July, 1944, almost one and a half years after the laying of her keel, the USS Wilkes-Barre, under the command of Captain R. L. Porter, U.S. Navy, became a part of the United States Fleet—the first ship to bear that name. (The original cruiser Wilkes-Barre, whose keel was laid back in 1941 had been redesignated the USS Astoria, but in 1943 another cruiser of the same class was substituted as the city's namesake.)

A Cleveland class light cruiser, she had speed, endurance and power.

"Shakedown," a period of intense training under simulated battle conditions was undertaken and the marriage of the Wilkes-Barre and her crew was consummated.

From August 28 to October 9, 1944, in the Chesapeake Bay and the Gulf of Paria, Trinidad, B.W.I., the arduous training continued, after which the Wilkes-Barre returned to the Navy Yard, Philadelphia, her men and officers welded into a team, ready, after a short period of post-shakedown overhaul, to take their place in the Pacific Fleet in what none dared dream of then—the all out assault upon Japan.

DEPARTS FOR PACIFIC

With the overhaul and short "statewide" leaves completed, on October 23, 1944, the Wilkes-Barre departed from Philadelphia for the Pacific theatre via the Panama Canal and, after short visits to San Diego, and Pearl Harbor arrived at Ulithi Atoll, Caroline Islands, on December 14, 1944, where she joined her cruiser division (Cruiser Division 17) as a part of the Third Fleet and was assigned duty as a unit of the famed Fast Carrier Task Force 68.

From this point on, the log of the Cruiser Wilkes-Barre became an integral part of the fabulous history made by the men, ships and planes of Task Force 38 and Task Force 58, the powerful striking arms of the Third and Fifth Fleets.

The desire for action of the officers and men of this young cruiser was very shortly fulfilled, for on the 30th of December 1944, she departed Ulithi as a part of Task Force 38 under the command of Vice Admiral J. S. McCain and operated in the Philippines and China Seas in support of the American landings on Luzon.

During this January foray of Task Force 38 came what seemed like a "real chance" for Wilkes-Barre to hit the enemy.

It happened this way:

For ten days Task Force 38 aircraft had been making magnificent attacks through almost impossible flying weather against targets on Formosa and Luzon, holding the Japs on the ground so that they couldn't interfere with the Lingayen landings.

ORDERS FROM MAC ARTHUR

General MacArthur sent word urging the presence of the Third Fleet in the South China Sea to counter any threats from Japanese forces which might possibly attack Lingayen from both the North and the South, as his own Seventh Fleet was hard pressed and hard hit by enemy air attacks.

Task Force 38 boldly steamed through Luzon Strait with all its Fast Carrier Task Groups and thereby placed the full strength of its heavy ships, as well as its carriers in the breach between any surface strength the Nips could send down from the homeland or up from Singapore. Then, on the strength of a report that Jap warships recently had been sighted in Camranh Bay, French Indo China, Wilkes-Barre with other cruisers, battleships and destroyers was chosen to hunt down the enemy and destroy him in his lair.

ESCAPED FROM TRAP

But the bait had skipped the trap and no resistance was met. This trek into the South China Seas was not in vain, for the Task Force's Air Groups took every opportunity to strike at targets along the Indo China Coast from Saigon to North of Camranh Bay, and at Hainan, Hong Kong, Swatow, and Amoy.

All was not clear sailing, for stormy weather shipped up such tremendous seas

that all operations were interrupted. Even the Northern exit through Balintang Channel became doubtful for a day or two, for a storm-tossed fleet threading through a narrow channel would be vulnerable to land-based plane attacks. Yet it was made without loss while Wilkes-Barre, during an air attack just at dusk, fired her guns for the first time in action with the enemy.

Back in Ulithi at the end of January Wilkes-Barre had an opportunity to replenish stores, ammunition, and fuel; to make repairs, to obtain a little rest and relaxation, to write reports, and to study the net operation. This period was marked by air alerts, during one of which a heavy carrier was damaged by a daring Kamikaze.

PART 4

In February, 1945, came the Iwo Jima Campaign. Wilkes-Barre retained her same protecting role with a fast Carrier Group, but this time in Task Force 58 with Vice Admiral Mitscher as part of the Fifth Fleet under command of Admiral Spruance.

"Target Tokyo!" was the word that went like wild fire throughout the ship as the Task Force sped northward to strike the first carrier blow since Jimmy Doolittle's flight from the deck of the Hornet. This time the Task Force pushed well within a hundred miles of the coastline while its air groups pounded the Jap air fields and surrounding industrial districts for two days.

Except for flashes of gun fire from other groups and an occasional bright ball of fire of a burning Nip plane sinking fast to the horizon, the only enemy sighted on this trip were survivors of Jap picket boats sunk by alert U.S. destroyers. The Task Force headed southward to help in the invasion of Iwo Jima, pounding Chichi and Haha Jima en route.

The going at Iwo was tough, Wilkes-Barre, and other cruisers of Cruiser Division 17, were called in to bolster the supporting fire from ships that lined the beaches. Wilkes-Barre stood close in to shore and kept up an incessant bombardment of enemy held positions, aided by the keen spotting of our own aircraft and fire control spotters ashore.

Dispatches from appreciative Marines on the beach attest to the effectiveness of Wilkes-Barre's fire against enemy gun positions, pill boxes, ammunition dumps, tanks and caves, while one report commends Wilkes-Barre's prompt and accurate fire which turned back a strong Jap counter-attack during the middle of the night.

Dusk at Iwo Jima had its exciting moments.

If the all-day preoccupation of navigating close in-shore near sharp rocks and jutting ledges were not sufficiently enlivening hazards, while collision threatened with thousands of small craft darting back and forth between beach and transport area and with other men-of-war lobbing shells over bow and stern and constant shore-side explosions filling the air with noise and missiles between the paralyzing concussion of Wilkes-Barre's own salvos, then the twilight period might provide the excitement. For suddenly the radio would blare forth the warning that enemy aircraft were approaching from several directions.

All ships in the vicinity were ordered to make smoke, laying a covering blanket over all that great mass of ships and boats.

SYMPHONY OF DESTRUCTION

Bombs, miraculously, dropped harmlessly. Darkness settled down, and the relentless routine of bombardment and invasion continued. Here was war as only an American amphibious team can wage it—men, ships, planes and guns in a symphony of destruction. This assault was the prelude to Okinawa and the final smashing of the overweening ambition of the Japs.

By March 1, 1945, the Cruiser Wilkes-Barre was provided a short period at anchor before tackling the Okinawa campaign.

Anchor was weighed with light hearts as all hands eagerly looked forward to the unfolding of the next chapter in this rapidly moving war of the Pacific. There was little doubt that this time Wilkes-Barre would participate in the destruction of more enemy planes and that air groups of Task Force 58 would undertake more daring missions than ever before.

The saga of Okinawa had been told; and the exploits of our carriers off the shores of Kyushu, Shikoku, and the Inland Sea, and the sinking of Japan's last mighty battleship, the Yamato. In one month Task Force 58's ships and planes destroyed over one thousand enemy aircraft. March blended into April and April into May as the slow work of attrition went on and on.

KAMIKAZE ATTACKS

The invasion forces on Okinawa needed protection afforded by the carrier's planes, and the carrier groups needed the protection afforded by their escorting ships' guns.

So the Wilkes-Barre saw plenty of action, firing thousands of anti-aircraft shells against desperate demoniac attacks that ended almost always in fiery death as torching Japanese planes splashed short of their prey. The fight was not always so one sided, however. The Wilkes-Barre saw more than one carrier suddenly burst into a ball of fire as flaming fragments were thrown high into the air—the results of a Kamikaze's successful death ride from out of a bank of low hanging clouds.

PART 5

The Cruiser USS Wilkes-Barre, already a veteran of the Philippines, Iwo Jima, Okinawa and Tokyo Bay campaigns, won fame assisting the carrier Bunker Hill hit May 11, 1945, off Okinawa by two Japanese suicide planes.

Quick action on the part of the crew of this city's namesake resulted in the saving of many lives aboard the crippled flattop. Many men were trapped in burning areas of the ship and were assisted to the deck of the cruiser by rescue squads.

Other personnel driven off the burning ship by smoke and flames sought safety on the cruiser's decks. Streams of water from ten hoses helped bring the flames under control as other hoses and fire-fighting equipment were passed to the carrier.

Many wounded, dead, and dying were transported by stretcher and breeches buoys rigged forward and aft. The lucky living ones later were transferred to a hospital ship, the dead committed to the deep with fitting ceremony.

MORE MAJOR OPERATIONS

On this cruise two independent operations were performed by the Wilkes-Barre in company with Cruiser Division 17, one late in March and the second early in May.

Each was a night bombardment of Minami Daito Jima in company with Destroyer Division 62. The primary target was the airfield, in order to deny its use to the Japanese. A healthy glow from fire and explosions was observed as the ships withdrew in the darkness.

No mere pen can ever describe the epic of naval history that encompassed the occupation of Okinawa.

For Task Force 58 it meant 79 days of continuous steaming with never a sight of land save that of the Japanese and that only through the sight of a gun.

Japanese planes were there in abundance as they futilely sought to stem the surging might of the American invasion forces.

Sleepless nights, tense moments and jubilation all blended into one as Task Force 58's planes and guns brought Japanese planes crashing down into the sea—some within shouting distance of the USS Wilkes-Barre.

Japanese flags painted on the Wilkes-Barre's bridge, awarded for sure "kills", attested to the accuracy of her fire and brought compensation for the long and tiresome hours of training that had gone before.

Finally word was received that Okinawa was completely ours. So the Wilkes-Barre, with part of the Third Fleet, headed southward for San Pedro Bay, Leyte, Philippine Islands for much needed and well earned rest and a period of replenishment. On June 1, 1945, the Wilkes-Barre entered San Pedro Bay and anchored, just in time to avoid a typhoon which swept over the remaining ships in the Okinawa area.

FIRST BIRTHDAY OBSERVED

As dawn broke on the first birthday of the Wilkes-Barre, July 1, 1945, she got underway and sortied for what was destined to be her last wartime cruise—swashbuckling up and down the coast of Japan with Admiral "Bull" Halsey's Third Fleet.

Tokyo, Nagoya, Osaka, the entire islands of Honshu and Hokkaido felt the shock of the Third Fleet's air power. With no Japanese fleet left upon which to unleash their guns, the Wilkes-Barre and her sister cruisers, accompanied by doughty destroyers, were ordered to seek out the Japanese within sight of his home islands, and commenced the anti-shipping sweeps and shore bombardments of the island of Honshu itself, which presaged the end of the island Empire.

On the night of July 14th, the Wilkes-Barre, and other ships of Cruiser Division 17, parted company with Task Force 38 and at high speed, headed for the coast of Honshu, where, within range of her smallest calibre close weapons battery, she conducted anti-shipping sweeps of the Japanese coast.

SEA BASE ATTACKED

Again, on the nights of July 24–25 these same ships laid aside their protective role and stood in to the coast of Japan, across Kii Suido they swept, alert for enemy shipping. On the following day, they opened fire with main and secondary batteries on Kushimoto seaplane base and Shionomisaki landing field, on the southern coast of Honshu. Not one answering shot was fired from the steel swept area and Wilkes-Barre returned with her division to resume her task of protecting her floating airfields.

Throughout this operation, the foe offered but few targets for the ships and planes of the Third Fleet. Those highly vaunted secret weapons, the Kamikazes, had apparently blown themselves out after the terrific losses they suffered during the invasion of Okinawa—more than 3000 planes destroyed by the planes and ships of the Third Fleet.

PART 6

With breathtaking abruptness came the news of Japan's acceptance of unconditional surrender, as Task Force 38 hovered off the islands of Honshu, and Hokkaido, poised for another air strike and shore bombardment of the heart of the Empire—a heart whose beat had become dangerously slow under the pounding of the Third Fleet and descended to but a feeble flutter with the advent of the atomic bomb.

Then came the days of waiting—irksome days—for the formal surrender; cruising just off the shores of southern Honshu as Task Force 38 continued to shoot down diehard (they really died quite easily) Kamikaze planes—but always, as Admiral Halsey said, in a friendly manner.

NEW CAPTAIN WELCOMED

It was during this period of tense waiting, of speculation and hope, that the Wilkes-Barre, on August 17th bid adieu to Captain Porter and welcomed Captain W. W. Juvenal, USN, aboard as her new commanding officer.

At long last, on August 27, 1945, after 59 days at sea, the Wilkes-Barre joined the majestic parade of naval might for the

triumphal entry of the Third Fleet into Sagami Wan, Japan. Here on the same day, but a short distance from Tokyo and in sight of Fujiyama, the Wilkes-Barre on the 423rd day of her short but eventful life came to anchor—103,950.1 steaming miles from her place of birth.

The Wilkes-Barre's respite here was but brief, for her guns were needed to cover the landings of the first Americans on Japan which included a part of her own Marine detachment.

But the Japanese had learned his lesson and all was peaceful and serene. Thus, her duties completed in Sagami Wan, the Wilkes-Barre got under way on the third day of September 1945 and entered Tokyo Bay and again came to anchor among the military might of the Third Fleet.

Even though the little men of the Island Empire had already affixed their signatures to their formal surrender aboard the flagship of Admiral Halsey, it was only now that the full realization of the cessation of the war came home to the officers and men of the Wilkes-Barre—Tokyo, Yokahama, Yokoshua—all within easy range of her now silent guns.

But the labors of the Wilkes-Barre were not ended.

DESIGNATED AS FLAGSHIP

Though deprived of their will to fight, the Japanese also had to be denied the means of carrying on a sneaking guerrilla war and to the Wilkes-Barre was assigned a major role in this undertaking. As the flagship of a demilitarization unit, she traveled up and down the coast of Japan (Tateyama, Onagawa, Wan, Aburatubo, Katsuura, Katsuyama), sinking and destroying the Japanese "last-ditch" suicide submarines and suicide boats, confiscating small arms and dismantling coastal defense guns.

Assigned to the newly created Asiatic Fleet, the Wilkes-Barre then rode at anchor in Tokyo Bay, already a veteran of the greatest, most aggressive and successful campaign in the history of naval warfare. Here she remained until early November, 1945, when orders were received by Captain Juvenal for the Wilkes-Barre to report to the Seventh Fleet off the coast of China.

ASSIGNED TO CHINA WATERS

Detached from the Fifth Fleet on November 9, 1945, the Wilkes-Barre sailed to Jinsen, Korea, where she remained three or four days and then continued to Tsing-tao, China.

A brief outline of the Wilkes-Barre's activities in the Pacific after this time was given later by Capt. William W. Juvenal, the new commander:

"After a short stay there, we went to Taku. Since there was nothing much in the way of operation in Taku, just a matter of watching things develop, we had the opportunity of sending the men on liberty in Tientsin and Peiping, for the first liberty since leaving the United States in the fall of 1944.

At that time, as a result of men leaving us steadily as demobilization proceeded, we had only 1,000 men."

When on December 18, the ship was sent to Chin Wang Tao, Capt. Juvenal became the Seventh Fleet's liaison with Chinese Nationalist Army.

"We stayed there until December 27 and sailed for Tsingtao. By that time, we were frozen in Chin Wang Tao and had to have an ice-breaker to get clear," Capt. Juvenal asserted.

Relieved on station by USS Columbus on January 13, 1946, the cruiser sailed for the West Coast by way of Pearl Harbor and arrived in San Pedro on January 31, 1946, with 450 Navy and Marine Corps separatees from China on board. At that time, the ship transferred for discharge 200 of her crew.

After leaving Chinese coastal waters the Cruiser Wilkes-Barre steamed directly to Pearl Harbor where she received fuel and supplies, and with her next stop being a brief anchorage off San Pedro, California, she then steamed directly to Philadelphia Navy Shipyards, arriving March 19, 1946, scorched and battle-scarred, to undergo a thorough overhaul to make ready to rejoin the active fleet.

Again the ship and its crew received a hearty welcome from a delegation of fifty Wilkes-Barre residents headed by Mayor Con McCole. This contingent was joined by fifty members of the families of ship's personnel from the Wyoming Valley area.

Rear Admiral C. H. Cobb, USN, base commandant, was piped aboard the ship, veteran of four Pacific campaigns, with the entire crew at quarters on the weather decks as the cruiser was maneuvered into its berth by Navy tugs.

Capt. R. L. Porter, USN, former commander of the ship, presented the Wilkes-Barre's battle flag to Mrs. Charles H. Miner who christened the cruiser in 1944.

Capt. Porter also presented Mayor McCole with a machine gun obtained in Japan.

M'COLE LAUDS CREW

Mayor McCole in his acceptance speech expressed "heartfelt gratitude for taking our own Cruiser Wilkes-Barre through the hot and turbulent Pacific safely and while doing so brought honor and glory not only to the ship but to our fair city."

He told crew members "to feel free to call Wilkes-Barre your 'home' where you will find a comforting welcome as warm and as intimate as the anthracite coal that has made your community one of which we are all proud."

Aboard the vessel returning to her home port for the first time since October, 1944, according to a list appearing in the newspaper, were the following crewmen from the anthracite regions:

Harold L. Hunsinger (S1c) of Conyngham; Paul J. Regan (S1c) of 927 Ridge St., Freeland; Leonard J. Petera (S2c) of 30 East Grant St., McAdoo; Edwin P. Williams (SF3c) of 93 Larch St., Scranton; Stanley F. Skokowski (S1c) of 517 West Green St., West Hazleton; Leonard T. Zarawbo (WT3c) of 112 Canal St., West Nanticoke and Lt. (jg.) John H. MacCarthy of 513 Stevenson St., Sayre.

A large group from Wyoming Valley was dockside when the Wilkes-Barre came alongside. There were representatives of service clubs, the Chamber of Commerce, labor unions, discharged veterans, relatives of crewmen and others.

VALLEY WELL REPRESENTED

Among those from Wyoming Valley in Philadelphia for the ceremony were the following: Joseph MacVeigh, president of the Chamber of Commerce, and Executive Secretary J. Arthur Bolender, Mayor and Mrs. Con McCole, and the Mayor's secretary Leo J. Johnson.

Others who attended that day were: Mr. and Mrs. Samuel Warriner of Philadelphia, formerly of Wilkes-Barre; George Abraham, city fireman who was a member of the crew before his discharge from the Navy; Patrolman Martin Blank, who served in the Navy; Mrs. William Davis, Regina Street, Lee Park, whose son was a member of the crew until discharge from the Navy. Richard Wallace, associated with Pennsylvania Power and Light Company; James McCarthy, radio announcer; Mr. and Mrs. Keith Williams of Scranton, whose son was a member of the crew; Mrs. Ernest G. Smith and daughter, Lois. The late Col. Ernest G. Smith originally proposed naming a naval vessel for the community.

Captain W. W. Juvenal, USN, who succeeded Capt. Porter as commander of the cruiser, outlined the cruiser's battle record and pointed to scars on the forecastle and port side.

NEW CAPTAIN ASSIGNED

Four months later on July 10, 1946, while the Wilkes-Barre was still at Philadelphia, Captain Rutledge B. Tompkins, USN, was designated as new commanding officer. Capt. Juvenal, who had a long commendable service record of 29 years had been ordered to the Bureau of Ordnance in the Navy Department in Washington.

In the meantime, however, the Wilkes-Barre Cruiser Committee, under the leadership of Mrs. Miner raised sufficient funds to provide for installation of modern sound amplification system for the ship and also additional funds to apply to the purchase of a suitable silver service.

By August of 1946 the ship's crew, which had dropped to a few hundred, under the impact of the rapid mobilization was rebuilt to about 900 men by the time the ship was removed from its dry dock. By that time, the ship had received a new nickname, the "Willie Bee."

She left the Navy Yard, October 2, 1946, bound for Newport, R.I. This particular tour of duty was outlined later in a statement released by the new commander, Capt. Tompkins, showing the following chronology of activities from September 27, 1946 to December 13, 1946:

"She has been completely overhauled at Philadelphia and during the trip many emergency and wartime drills were held to simulate actual emergency conditions.

"Arriving in Newport October 7, the ship operated out of this port on several training cruises, which continued until October 17.

"On October 19, 1946, the Wilkes-Barre left Newport and sailed down the Atlantic Coast and into the Gulf of Mexico to New Orleans, La. She arrived in New Orleans on October 25 for the Navy Day celebration. To celebrate the event, parties were held for the crew and officers. In addition to this, several hundred men witnessed a football game between Louisiana State University and Mississippi State University in the Sugar Bowl stadium. During this period visitors were permitted to come on board and observe the vessel.

"The Wilkes-Barre left New Orleans October 29 and sailed for Cuba, arriving in Guantanamo Bay on November 2.

"She had come to Cuba for the purpose of going on maneuvers with several other ships of the Atlantic Fleet.

FLEET MANEUVERS HELD

"Accompanied by the Aircraft Carrier USS Philippine Sea; the Cruisers USS Providence, USS Dayton and USS Macon, as well as a number of destroyers and auxiliary vessels, the Wilkes-Barre carried out intensive fleet maneuvers.

"Actual emergency conditions were produced during these operations. Imaginary air attacks were repelled, aircraft launched from the ship, and surface targets were fired on. The ship's personnel also carried out 'man overboard' procedures and ship abandonment drills.

"However, the time spent in the Caribbean was not without the lighter moments. Two 'king size' picnics were held for the officers and crew on Windmill Beach in Cuba. A softball team was organized which played teams representing other ships in the group. The men spent a great deal of their off duty hours swimming in the warm waters of the Caribbean.

"The Wilkes-Barre then sailed from Guantanemo Bay en route to Culera, in the Virgin Islands, with the Cruisers USS Dayton and USS Providence. They conducted shore bombardment practice December 9 and 10, which included night as well as day bombardment.

"From the Virgin Islands, the Wilkes-Barre sailed for Norfolk, Va. The voyage, rough at times, took three days, with the ship arriving at the Norfolk Naval Shipyard on

December 13, where she was prepared for a cruise to European waters."

A PROPOSAL TO PROVIDE FISCAL RELIEF TO STATES FOR WELFARE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS of Illinois. Mr. Speaker, because of my many colleagues who have shown vital concern regarding the welfare crisis, I am reintroducing H.R. 11586.

Mr. Speaker, the intent of this bill is to provide immediate interim fiscal relief to the States for their welfare costs. H.R. 1, as it passed the House on June 22, 1971, contained titles which would reform the present welfare system and which would have the effect of providing substantial fiscal relief to the States by reducing State outlays for welfare costs. The provisions in H.R. 1 would go into effect on July 1, 1972, thereby providing this fiscal relief beginning with that date—in effect, fiscal year 1973, the year for which many States are now making fiscal plans. The Senate shows little disposition to act expeditiously on H.R. 1, with the result that the President has assumed for purposes of his economic plan that the effective date of the welfare reform provisions will be postponed until July 1, 1973.

The effect of this development on State finances is severe and unexpected. The States had every reason to believe that the Congress would act expeditiously enough so as to assure that the fiscal relief provided by H.R. 1 would begin 8 months from now.

Mr. Speaker, immediate stopgap measures are needed to provide fiscal relief to States for their welfare costs. Therefore, I am reintroducing H.R. 11586 proposing that the Congress act immediately on this legislation which would provide interim fiscal relief to the States by limiting State expenditures for fiscal year 1972 and 1973 to the level of expenditures the State incurred in fiscal year 1971. The Federal Government would pick up the excess. If adopted, this proposal would afford immediate tax relief to State and local taxpayers on a national basis of $900 million for fiscal year 1972 and $1.1 billion for fiscal year 1973, for a total of $2 billion.

This bill would not affect the welfare reform bill that is awaiting action in the Senate.

Mr. Speaker, I am encouraged by the 31 of my colleagues who have cosponsored this bill and their names are as follows: Mrs. ABZUG, Mr. ANDERSON of Illinois, Mrs. ANNUNZIO, Mr. ASPIN, Mr. BINGHAM, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. DIGGS, Mr. ERLENBORN, Mr. FASCELL, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KOCH, Mr. MATSUNAGA, Mr. METCALFE, Mr. MIKVA, Mr. MILLS of Arkansas, Mr. MOORHEAD, Mr. PEPPER, Mr. PRICE of Illinois, Mr. RANGEL, Mr. ROE, Mr. ROSENTHAL, Mr. ROY, Mr. ST GERMAIN, Mr. CHARLES WILSON.

My colleagues and I are hopeful that the chairman of the Ways and Means Committee will act expeditiously in reporting this most important and urgent bill out of committee.

DEPUTY ASSISTANT SECRETARY DAVIES' "STRAW MAN": A GREAT DISSERVICE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, our colleague, BENJAMIN S. ROSENTHAL, chairman of the Foreign Affairs Subcommittee on Europe, recently held a hearing on the plight of Soviet Jews. Appearing before him were a number of witnesses, including Deputy Assistant Secretary of State for European Affairs, Richard T. Davies. While most of Mr. Davies' testimony was helpful and accurate, it did contain within it a most harmful and prejudicial statement to which I should like now to address myself.

Mr. Davies said:

> Claims that Soviet Jews as a community are living in a state of terror seem to be overdrawn. There can be no comparison with the terrible era of the Nazi holocaust or Stalin's blood purge of Jewish intellectuals.

The implication is that those of us who have sought to bring the plight of the Soviet Jews to the attention of the American public and the world have overstated what is occurring in the Soviet Union. The fact is, to the best of my knowledge, no responsible person speaking on the subject has ever contended that the Jews in the Soviet Union "are living in a state of terror." What we have said is that the Soviet Union discriminates against that minority and has engaged in repressive acts vis-a-vis the Jews in the U.S.S.R.

Let me be more particular. The Soviet Union since 1935 has forbidden its Jewish minority from operating schools in which they could teach in either the Hebrew or Yiddish languages, although every recognized national group in the Soviet Union, and there are 120 of which the Jews are 12th in size, is guaranteed under the Soviet Constitution the right to maintain schools in their own national language, but an exception is made in the case of the Jews who are not allowed to have such schools.

A second illustration is the discriminatory way in which the Soviet Union treats the Jews in the practice of their religion. It is true that the Soviet Union official policy is that of an atheistic society, yet it does permit the practice of religion and while no one who is religious has it easy, it is especially difficult for those who are, to practice the Jewish religion. Other religions are permitted to maintain seminaries in which they train their priests; however the Jews are not permitted to do so and the several million Jews living in European Russia have only three aged rabbis ministering to them. The city of Moscow has an estimated 500,000 Jews and only one rabbi, Rabbi Levin, who is 78 years of age and ill. When he dies his replacement will have to come, in all probability, from the city of Leningrad which also has one rabbi who ministers to a Jewish population of approximately 300,000.

I could go on and talk about the anti-Zionist campaign conducted in the Soviet Union which is a euphemism for an anti-Semitic campaign because even in the Soviet Union it would not be seemly to be so direct as to publicly endorse anti-Semitism, so a new phrase has been contrived, anti-Zionism.

I mention this, Mr. Speaker, because whether it was intentional, or not, the State Department, and in particular, Mr. Davies, must be critized for having raised a "straw man" which has received the attention of the media and which will be used by anti-Semites in the U.S.S.R. and the United States to deprecate the efforts which are mounting to save Soviet Jews from cultural and spiritual genocide. In all candor I suspect that the State Department, which has dragged its feet so many times on those issues which relate to the safety and security of Jews whether they be in the U.S.S.R. or the State of Israel, is intentionally attempting to reduce the pressures which are building as a result of public concern in the United States by Jews and non-Jews for Soviet Jews and the State of Israel. It was regrettable that the State Department has contributed to the harassment of that oppressed people by giving ammunition to their enemies through Mr. Davies' misleading statement.

Mr. Speaker, what I am saying to our colleagues has been pointed out in an article which appears this week in Time magazine which I am appending to my statement. I am also inserting for printing in the RECORD my statement before Representative ROSENTHAL'S subcommittee in response to Mr. Davies' testimony of the same day.

The material follows:

SOVIET UNION: DEGREES OF TERROR

"There is no Jewish question in the Soviet Union," Soviet Premier Aleksei Kosygin told a press conference in Canada last month. "This question is from beginning to end an invented one."

That, to put it mildly, is something of an exaggeration. A talented Jew can rise to great eminence in Soviet society, as have Violinist David Oistrakh and Ballerina Maya Plisetskaya, but the ordinary Jew is subject to rigid quotas that often bar him from universities and good jobs. Teaching Judaism and Hebrew is illegal; Yiddish culture is severely restricted. In the streets, Russia's traditional anti-Semitism has never really died. "We may not be victims of physical genocide," says Mikhail Zand, a distinguished philologist who recently managed to get out of Russia and settle in Israel, "but we are the victims of a cultural and spiritual genocide, simply because the Russians refuse to let Jews live a Jewish life."

Carefully Balanced. For years, the Jews of Russia accepted their fate stoically—Novelist Elie Wiesel called them "the Jews of Silence"—but ever since the Arab-Israeli war of 1967 they have become increasingly vociferous. So have their supporters abroad. Last week a House Foreign Affairs Subcommittee headed by New York Democrat Benjamin S. Rosenthal opened an investigation into the problem by having the State Department present an evaluation. The Deputy Assistant Secretary for European Affairs, Richard T. Davies, appeared at the hearing with a 21-page statement. Though carefully balanced, it promptly touched off a chorus of protests

that demonstrated how touchy the whole question has become.

"All Soviet citizens—not just Jews—suffer from the Soviet government's policy of militant atheism and its refusal to consider migration as a right rather than a rare privilege," Davies said. He added that Jews were treated worse than other minorities, harassed by "anti-Zionist" campaigns and "deprived of the cultural ingredients needed to preserve their cultural and religious identity." He said that the State Department "deplored" this and was doing what it could to help. At the same time, Davies warned against exaggeration. "Claims that Soviet Jews as a community are living in a state of terror seem to be overdrawn," he said. "There can be no comparison with the terrible era of the Nazi holocaust or Stalin's blood purge of Jewish intellectuals."

There is certainly no disputing that statement. Still, Davies' cautionings were all that the Soviet dailies *Izvestia* and *Pravda* reported in stories declaring that the U.S. Government had in effect absolved Moscow of mistreating its Jewish population. Even the New York *Times* headlined: U.S. ASSERTS SOVIET JEWS ARE NOT LIVING IN TERROR. Predictably, the reaction was sharp.

Israeli officials cited scores of cases in Russia of Jews being attacked by Russian crowds, of Jewish graves being desecrated and of Soviet Jews being fired from their jobs or imprisoned for trying to emigrate. Davies' statement, said Leonard Schroeter, a U.S. lawyer now serving with Israel's Ministry of Justice, "is a classic instance of State Department evenhandedness, making no distinction between aggression and defense." "No, there is no reign of terror," said Philologist Zand. "But until last February there were waves of arrests and trials for those who longed to go to Israel."

Since then, however, the Soviets have been easing their restrictions on Jewish emigration, possibly as a result of outside pressures. The total for this year may reach 10,000. That is not many in a community of some 2,000,000, but it is a lot more than the 1,000 exit visas granted to Jews last year—and more than have been granted for any other Soviet minority.

Last month, at the international music congress in Moscow, U.S. Violinist Yehudi Menuhin voiced a daring wish. "May we yet live to see the day," said Menuhin, "when every human being can dwell where his heart calls, whatever his creed." That is no more than is guaranteed under Article 13 of the Universal Declaration of Human Rights, of which the Soviet Union is a signatory. But it is more than Moscow dares grant its citizens, and so not a word of Menuhin's speech was printed in the Soviet press.

HEARINGS CONDUCTED BY THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON EUROPE, NOVEMBER 12, 1971

AFTERNOON SESSION—2 P.M.

Mr. ROSENTHAL. The subcommittee will be in order.

Since the hearing commenced this morning there is a change, Congressman John Dow is presently involved in the amending of the Pesticides Bill on the Floor. My distinguished colleague from New York, Congressman Koch is appearing.

I know you have an important story to relate and we will be glad to hear you.

STATEMENT OF THE HONORABLE ED KOCH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. KOCH. Mr. Chairman, I appreciate the invitation. I was originally scheduled to speak tomorrow. Had I come on at the regular time I would have prepared and filed with you a formal statement but, as you pointed out, Congressman Dow is now commencing the debate on certain amendments and I am speaking a day earlier than scheduled. As soon as there are votes on the floor, of course, I will have to be there but meanwhile I did want to take the opportunity that was available, particularly so to comment on the statement which has been filed with you and, if I understand correctly, read before your committee by Mr. Davies of the Department of State. It is my intention to give you the benefit, if you will, of my experience in the Soviet Union which are somewhat different from those that would appear to be the experiences of the people who drew up this statement of the Department of State.

I went to the Soviet Union in April of this year because my constituents were very concerned about individual families, the husbands of those families then being in jail. Two names that have become very well-known here in the United States because they each got five years are Lasal Kaminsky, and Lev Yazman, husbands of the families that I met in Leningrad.

I went there in April of this year while they were then in jail and the trials had not yet started although they were expected to commence shortly and be secret trials, as they ultimately were, with the thought that I might be of some assistance to the families. Others had suggested that it would be helpful if members of Congress and other American public officials went there and came back and reported their experiences. That is why I went.

I spent a brief period of time, to be sure, just eight days. But in the course of that period I did have occasion to talk with the two women I mentioned, and to talk to a number of Jews in the Moscow synagogue, as well as to a number of the younger Jews outside of the Moscow synagogue and also to talk with Western newspaper reporters.

As you know, Mr. Chairman, I had introduced a bill which would provide that 30,000 non-quota refugee visas be made available to Soviet Jews in the event that the Soviet Union were to open its doors and permit them to leave. That bill received wide support both here in the House and also in the Senate and, as the report of the State Department indicates, and I am pleased that they do, they felt that the need for that bill was real. The response of the Attorney General, which was an unreserved commitment to permit the Jews that were permitted to leave the Soviet Union to come to the U.S. without quota restrictions as refugees, I applauded and accepted because it marked a change in the Administration's position, and I am grateful to the Attorney General for having led the way on that issue.

As a result of his unreserved commitment, I have not pressed for adoption of my bill because the Administration, to its credit, has done administratively what our bill, co-sponsored by 120 other members of Congress, would have done legislatively.

Now what I would like to address myself to is really the heart of the memorandum of the State Department presented to you which can be summed up as characterizing the plight of Soviet Jewry to be, in their words, "overdrawn." I would like to talk about that and talk about it in terms of the experiences related to me by several Russian Jews.

Mr. ROSENTHAL. And your own experiences?

Mr. KOCH. Yes, and my experience there.

First let me take them in order.

When I went to Leningrad, it was with the express purpose of making contact with these families. Indeed, as I have testified, I finally did come to the home of Mr. Lasal Kaminsky. She was petrified as was Mrs. Yagman. Their husbands were not then convicted but had been in jail for nine months. The charges which were alleged anti-Soviet acts were the following: that they had made copies and had translated from the Russian into Hebrew and Yiddish text books so that they could teach their children in those languages.

You must understand, Mr. Chairman, since 1937 there have been no schools which teach in the Yiddish or Hebrew languages. You might say, "Well, why should there be?" The answer is—because under the Soviet Constitution every nationality is guaranteed the right to teach in its own national tongue.

Now the Jews, whether you take the estimate of those who are not in the government, have a number which may exceed three million, or the estimate of the government, which is a little bit over two million—are a large minority, 12th in a nationality grouping of more than 120.

There are nationalities in the Soviet Union that are under a hundred thousand in number. The Jews are in excess of two million in number. That is one of the larger minorities in the Soviet Union. These other minorities, Volga Deutsch, lived in the Soviet Union for a long time but they were deemed to be traitors in the Soviet Union during the Nazi-Soviet battles in the Soviet Union and in the course of World War II.

The Volga Deutsch, as I say, were banished because of their traitorous actions in the Soviet Union. The Jews fought valiantly on the side of their Soviet compatriots. Yet, the Volga Deutsch are allowed to teach in their national language which happens to be German.

You might ask, "Well, are Jews perhaps treated differently and considered simply a religion and not also a nationality?" Not at all, Mr. Chairman. Under the Soviet Constitution Jews are recognized as a nationality. It is not just a simple identification as such which you then have in birth records and that is the end of it. Every Soviet citizen has an internal pass book and in that pass book is listed one's nationality, e.g., nationality Uzbek, nationality Volga Deutsch, nationality Ukrainian—but the rights accorded to other nationalities under the Soviet Constitution which should be likewise accorded to the Jews are not. That is one decided difference between the lot of others and the lot of the Jews.

I harp on that because we will always have people come forward and say it is not easy to live in the Soviet Union no matter what you are and surely not easy to be an observant person religiously.

They are correct, Mr. Chairman, it is not easy to be an observant Christian, it is not easy to be an observant Jew, although the Soviet Union says that while it does not approve of religion, and is an atheistic society, it recognizes the rights of religion. And that is true in other cases, Mr. Chairman, but the Soviet Union makes a distinction with respect to the Jews. In the European part of the Soviet Union where most of the Jews live, there are only three Rabbis. My recollection is that there is one in Moscow, his name is Rabbi Levin. He is 78 years of age, very ill. There is one in Leningrad, also an aged man, and one, I believe, in the City of Odessa. Only three to minister to their needs.

I should tell you parenthetically that there is a different situation in the State of Georgia, which is part of the USSR in Asia where there is a vital Jewish community and they do have a number of Rabbis there for the Georgian Jews. That is a very special situation. The vast majority of the Jews living in European Russia are limited to these three Rabbis.

When I say limited, Mr. Chairman, if you were to ask me what I mean by that it would be this, the other religions are permitted to train their priests in Seminaries. The Jews are not permitted to train their Rabbis. I consider that to be a decidedly important issue. If, in fact, Rabbi Levin dies—and let him live to the proverbial 120—there is no one to take his place. In fact when I was there, they said, what will happen is that they will have to take the Rabbi from Leningrad to

place him in the larger community of Moscow.

Moscow does have a half million Jews and Leningrad has three hundred thousand Jews.

Let me go back to Mrs. Kaminsky. As we sat in her kitchen with those other people who were there, she said to me, "They are listening to us now," pointing to the air and meaning that we were then being monitored, as I am sure we were.

She said, "While I am frightened in talking with you I know that the only way that we have a possibility of saving our husbands and the possibility of leaving the Soviet Union," is to make the world aware of what is happening and then she would say, "We are not anti-Soviet, we just want to leave," and the reasons that she gave were that you cannot be a Jew in the Soviet Union, you cannot practice your Judaism.

She said, "We are talking to you, recognizing the dangers because only if the outside world hears us and speaks out, is it possible that there will be a change." She is not wrong, you know.

When the Soviet Union convicted in an earlier trial, I think it was fifteen people, two of them were sentenced to death and newspaper correspondents in the USSR told me that the only reason those sentences were commuted was that Soviet officials received telegrams from leading public officials throughout the world and they specifically referred to the telegram from the Prime Minister of Great Britain.

There is no internal public opinion in the USSR but there is outside world opinion to which they are sensitive. Indeed, as I understand it, again from comments that were made to me by the Western press in Moscow, the other delegates from Communist parties in Italy, from France, from other countries, gathered then in the Soviet Union as a result of the 24th Soviet Congress then being held were upset, and their complaints were causing the Soviet Union to give consideration to a change in its position.

Well, Mr. Chairman, the question arises, is what the Soviet Union doing to the Jews comparable to what Nazi Germany did? The answer is, no; and no one in his right mind would make that comparison because the Nazis involved themselves in physical genocide, where a whole people en masse was murdered. That is not taking place in the Soviet Union. But we do have cultural genocide. We do have individual cases where people are in fact treated in a manner which can only be described as barbaric.

I won't dwell much further on the cases of Mrs. Kaminsky and Mr. Lev Yozman. They said the second reason that their husbands were on trial was that they had applied for leave to leave the Soviet Union and they had sent a petition to U Thant asking for help. A very legitimate and legal act under Soviet law, but considered to be an anti-Soviet act and, of course, as you know, they were subsequently each given five years.

Let me tell you what it means to apply for an exit permit, that is to leave the Soviet Union. I went to Israel during the last Congressional recess. I spoke with Dr. Michael Zand. I notice, having read the Statement from the State Department, they quote Dr. Zand with respect to his opposition and antipathy to violence, and I can only echo every statement he made. Violence on the part of anyone in this country with respect to helping the plight of Soviet Jewry is totally counter-productive. It is an overworked word but it happens to be true. You cannot help Soviet Jews by engaging in violence in this country. But you can help Soviet Jews by peacefully picketing, by peacefully demonstrating, by peacefully speaking out against Soviet barbarism.

I intend to do that while at the same time saying to anyone who encourages violence, you are doing an act which is against the interest of everyone concerned, our own American government and our brothers and sisters in the Soviet Union. So, we must put down violence out of hand.

But peaceful demonstrations and bringing this to the attention of the American public is absolutely vital.

I want to go back to Dr. Zand because Dr. Zand is quoted as I would quote him, that he is against violence and I am against violence, too. Let me tell you what Dr. Zand told me about the Soviet Union which, unfortunately, the State Department did not include or maybe they did not interrogate him about that. Let me tell you what he told me. I met him in the City of Jerusalem. He had finally received permission to leave the Soviet Union. He is a scholar. He wears a skull cap which is very large, a highly decorative one, and I will tell you why I mention that in a moment. But immediately it gets your attention as you sit with him.

I said, "Dr. Zand, tell me what the situation is for Jews so far as you know in the Soviet Union." He said, "It is not possible to live as a Jew in the Soviet Union."

He said, "It comes to you slowly, this recognition of your Jewish heritage, because it has been repressed as we all know in the Soviet Union and you suddenly desire and have this almost unmanageable desire to speak out and stand up and be heard."

The Jews are doing exactly that, speaking up, standing up and being heard in the Soviet Union. That is why the Soviet Union is so distressed and may be considering changing its policies to allow these dissenters to leave. Hopefully that will actually occur in larger numbers. Dr. Zand said his first arrest—I can't give you the exact dates, I may be a little bit off on the months, but I think his first arrest happened in January of this year. When the Soviet Union called together a group of what can only be termed as House Jews, they used to be called in German the Hof Jude, Court Jews, Uncle Toms—we have that. There are other phrases and every group has them, of people who will betray their own people because of the material benefits that come to them by betraying their own. It is not unique to Jews. It is not unique to blacks, it is not unique to any groups. We all have them. We have to understand them, the flesh is weak.

The Soviet Union called together a group of Jews in the Moscow synagogue to say how wonderful it was to live in the Soviet Union. Dr. Zand, who is a scholar and also had Press credentials because of his work in the Press, was given entry. What he did is this, he stood up and said, "What is happening here is not true. These people don't speak for us. In the Soviet Union you cannot lead a Jewish life."

Well, he was arrested. They didn't hold him very long, just a day. But they warned him, stop this, Dr. Zand. He said to me, "I could not stop it, no more than you can stop the tides. I wanted to speak the truth."

He said, "On another occasion," I think it was June of this year, "he and a number of others stood up in the public center of Moscow and spoke out against the Soviet government's refusal to allow the Jews to leave." He was arrested again. This time he was given fifteen days in jail. He said that he went on a hunger strike as a matter of principle.

He said they permitted him to remain on the hunger strike, and he was in good health from the first day to the 13th day of his hunger strike. Then he said, they knowing that he was going to be released in two days, knowing that he had not suffered any physical harm as a result of that hunger strike but because, in his words, they wanted to "humble him"—those were his words, they wanted to break his spirit—they force-fed him, knowing he was going to be released in two days and that he was in no danger of illness. He said as a result of the force-feeding he suffered a heart attack. On his release, they said to him "next time we will send you to a mental institution".

I said to him—I could not help it because that yamulka that skullcap had been on my mind—"Dr. Zand, do you always wear such a large skull-cap?" It was really a very lovely one. He said, "For the last few years I started to wear it several years ago as a symbol of my protest for all to see."

It is for me a very moving experience. This man who fought such a magnificent fight he stood up and went to jail and caused them such difficulties in the Soviet Union, they finally said, "Let him go," and he left.

I want to tell you a third case which is that of a woman that I met in an Absorption Center in Ashdod, Israel, Mrs. Rohel Shpunghin. She has a brother who is a doctor in New Rochelle. I have been in touch with him since I met her in Israel, as I say I was there in August of this year. Mrs. Shpunghin spoke English. A magnificent person. She described to me what it means to apply to leave the Soviet Union. She said, "You know, there are some people who say we want to leave the Soviet Union because materially we will be better off by coming to Israel." She said, "That is not true." She said, "I am a biology teacher and my husband is a chemist. We both worked, we had a lovely apartment in Riga, far better than the one we are going to have in Israel. We even had a cottage by the sea because of our joint wages and because we were professionals. But," she said, "You could not live as a Jew, impossible to live as a Jew. You were subject to the slanders, the limitation in how high you could rise, you could not be a Jew. We decided," she said, "that we would leave to go to Israel." She said, "Do you know what that means?" She did this four years ago. She said, "You have to apply to your factory manager. My husband applied to his factory manager. He said, "No." Before you can even apply to the government you have got to get permission from your factory manager and then from your neighbors." She said, "My husband applied to the factory Soviet, so to speak. They berate you and call you traitor. He was turned down. He had to quit his job and take a lesser job in another place where he knew they could not be so virulent, which he did. He was able to get a certificate which said they did not object to his leaving."

She said so far as she was concerned, rather than risk not getting the certificate, she quit her job so that she left professional life to become, so to speak, a housewife so as not to have to get this permission. Then she said, "You have to apply to your neighbors. We have a Soviet in the building. They call you traitor. They say you are going to Israel. Some day you are going to come back and you are going to shoot us."

It is incredible the way Israel is held up to contempt by the Soviets and also the way they envisage that State.

She said, "They see Israel,"—not the Russian government but the Russians she talked with—"as a state equally large in size to the Soviet Union. Some day Israel is going to come and invade the Soviet Union is the way it is put forth."

You can understand what this propaganda does to the neighbors. They said to this family, "You are traitors." They still prevailed. Imagine what that means to an individual. First to go through that kind of confrontation with your fellow-worker, then that kind of confrontation with your fellow-neighbor and then you have to continue to live there three or four years until the permit comes permitting you to leave. What happens in the meanwhile? You lose your job.

Let me tell you something else that happened to these people. When their children reached university age—the first one, to my recollection, reached it two years later, age

18, applied to the university and he was told, "You may not go to the university, your parents are traitors."

That is what it means to apply in the Soviet Union for permission to leave.

Now, let me talk about another aspect and that is this, the statement of the State Department points to the fact that statistically the Jews don't appear to suffer from discrimination. I will give you some statistics on that.

I am not an expert on statistics so I called the Library of Congress. I said, I would like to have a comparison. I would like to know now what the number of Jews are in the areas I am going to give you and what they were the last time you had a figure on this. There is no question that percentagewise if the Jews constitute one or two or three percent of the population in some areas there are going to be more of them than percentagewise would be expected but it was my understanding that the Soviets take the position that the people went to the university if they were able to pass the test, not if they were Uzbeks, Jews or Ukrainians. That is no longer the rule. The rule now is if you are a Jew you go under a quota. So I asked about other areas.

Let me tell you what the Library of Congress gave me. The Supreme Soviet, which is the highest public body, in 1968—let me give you the old figures because it makes it more dramatic, the figure they gave me. In 1938 out of the 3,594 members of the Supreme Soviet, 2.5 percent were Jewish. I suppose that basically reflected percentagewise what they were at that time although I can't really say that to be accurate. In 1968, out of the Supreme Soviet which has been reduced in number to about half the size, the present number in the Supreme Soviet is 1,517 members, of which 12 are Jewish. That is eight tenths of one percent. A huge falling off. The Central Committee, which is really the governing body of the Communist Party, in 1926, out of 104 members, had 11 Jewish members, which was 10.6 percent.

In 1968, out of 190 members, one is Jewish and that is one half of one percent. That is the group that runs the Soviet Union. One out of the top body out of 190 is Jewish.

God only knows whether he identifies as a Jew. I didn't ask that question but I suspect he probably does not although I hope I don't do him a disservice. If he or she is, then I say, "Thanks be to God," and I want to applaud his or her courage.

In the area of science in 1947, 16.8 percent of the people who were listed in that profession were Jewish. In 1961, 8.8 percent, one-half. Let me tell you what that means.

In my trip to the Soviet Union in April I went to Moscow University, I met students there. I met American students who were exchange students and I met Russian students. There is no question, I am telling you now what was told to me, not only is there a quota with respect to the Jewish student body, but there is a decided effort on the part of the Administration to limit the number of Jews in the teaching posts. I don't know that they remove them. They may. I don't have independent knowledge on that, but they don't permit a Jew to fill the job. This information was given to me by American students and exchange professors people who are at the Moscow University.

Mr. ROSENTHAL. I wonder if I could kind of crystallize the thrust of your presentation in some way. What does this mean to the atmosphere, the climate, the spirit? How can you describe that in concise terms?

Mr. KOCH. In the Soviet Union at this particular moment in time, and everybody who has been there says this, that the Jews, since the six day war, knowing that there are people who are interested in them, knowing that Israel wants to receive them, knowing that their American religious compatriots are speaking out, knowing that they are not alone, have in some way, whether it is miraculous or otherwise, God knows, the courage to stand up and say to the Soviet Union, "Let us leave, let us leave. You will not let us live our lives as Jews as you allow other groups to live. So let us leave."

Now the Western Press when I was there told me the reason that they are allowing a larger number to leave this year than they did last year and I don't know what the accurate statistics are, but in my recollection in 1970 about a thousand Jews were permitted to leave, and this year it is about 7,000. I think that is the figure I saw in the New York Times recently. The reason, said these reporters, is that the Soviet Union decided that if they allowed a few dissenters to leave that would be the end of the problem. But they found that everytime a dissenter, or troublemaker in their words, was permitted to leave there were ten more to take that persons place. So, maybe they are making a decision now to allow them to go. I hope so. Why not? Not permitting them to go means they are violating two things. They are violating their own constitution which permits free immigration and they are violating the Universal Declaration of Human Rights which they signed.

Mr. ROSENTHAL. As a result of your trip, how would you assess the fear component? Is there any fear on the part of these people?

Mr. KOCH. When I went to the Moscow Synagogue, which I alluded to, but didn't go into any detail, people crowded about me. You have to understand it was rather filled. There were over 500 Jews in that Moscow Synagogue but there are 500,000 Jews in the City of Moscow and there is only one Synagogue with a Rabbi. So it is not such a huge figure when you think about that. They crowded around me. During the course of the service people whispered to me, "Help us, help us. We want to go to Israel. Help us."

In the course of the service there comes a part where one stands and says, "Jerusalem, Jerusalem." There were tears on the faces of the people around me. They were saying to me, "Help us, we want to go to Jerusalem."

When I went outside the Synagogue a number of young people crowded around me.

Mr. ROSENTHAL. Were there any police people or KGB people involved?

Mr. KOCH. No. Occasionally a Soviet militiaman, which is a Soviet policeman, would walk by. Whether there were KGB people in the neighborhood, I can't tell. I certainly was not in danger and these people who were said to me, "We don't care if they see us talking. We are Jews."

These young people who came to me said, "We are not religious, but we are Jews and we identify as such as that is why we are here."

Then they said to me, "Could you get," and they gave me the names of their relatives, "could you get my Uncle to write to me? I will give you his name. Could you get my Aunt to write to me?" Then one person said, "Could someone write to me from America?" I said, "Yes." I have made all those contacts for them.

Just simply said, Mr. Chairman, I don't know that every Jew would leave the Soviet Union, given the opportunity. Large numbers would. If the Soviet government doesn't think that large numbers would, let them put that to the test.

Mr. ROSENTHAL. Mr. Frelinghuysen?

Mr. FRELINGHUYSEN. I have been very much interested in Mr. Koch's testimony. I suppose the Soviet authorities might feel that if this precedent were established and Jews are allowed to leave because they were Jews, others might well feel the same impulse to leave and would use other excuses as they see them. You say this is not really a religious thing, it is a racial thing. There are lots of races in the Soviet Union. Presumably there might be other pressures to immigrate to get away from an oppressive regime. I suppose that is one of the reasons why they are reluctant to make the decision which I assume we all hope they will and that is to lift the barriers which still exist.

Mr. KOCH. May I comment on that, Mr. Frelinghuysen?

Let me tell you in my judgment, based on what Jacob Malik, said at the U.N., it is not just simply a nationality question at all. That is part of it. The Soviet Union has said Jews are a nationality. That is fine, it is an ethnic group, there is no question about that. But if you look at the comments of Jacob Malik in the U.N. forum, and people sat silently by and didn't utter a word in condemnation, which shocked me, when he got up and said to Ambassador Tekoah, the delegate from Israel, "You will take your long nose out of our garden."

I think, Mr. Frelinghuysen and Mr. Chairman, that that reflects a certain anti-Semitic mind, just to use that kind of phrase. I would at least suspect so.

Let me go further and talk about some other aspects because I want to point out to you the virulence of the Soviet government, not just on the same question that the Jews are a nationality, and not treated as such and that they want to leave, but the virulence that is directed at the Jews. Jacob Malik said, "How dare the Jews to talk of themselves as the chosen people. That is criminal in the 20th century."

I don't have to tell you, I know you are aware of it, the concept of the chosen people means that the Jews chose to take on the obligation of the Ten Commandments, and the Torah, and to have for themselves higher obligations that would be required before they can enter heaven. Not in anyway could that be construed as racial superiority. If anything, as I guess it was Ambassador Tekoah who said, "Yes, we were chosen, chosen to suffer." Is that criminal? Is that concept criminal? But nobody stood up to reply. Then he equated Zionism with Fascism, my colleagues, I am a Zionist, I am never going to live in Israel, I love the United States, I am a member of Congress, I am devoted to the United States yet I love Zion. I would assume that while I don't know your antecedents, Mr. Frelinghuysen, but whatever that country is that your ancestors came from, I assume that you have a special feeling for its inhabitants.

Mr. FRELINGHUYSEN. It is a long time ago, Mr. Koch. We are Dutch, a name like this must be Dutch. But 250 years ago, I suppose I have a special feeling. I have only been there twice in my life.

Mr. KOCH. Let me say this to you. There are millions of our citizens today, Irish, Dutch, English, French and so many others who look back to the countries of their origin with great feelings of love and sympathy. Their hearts go out. Those of us who, when we are called upon to respond to some tragedy in that country, let us take the country of Italy when it had the devastation and the art objects were destroyed and we all wanted to help. I know you certainly did. It seems to me that it is understandable if someone whose antecedents were Italian that he would have a special feeling about that that you and I could not match as much as we wanted to help.

I think it is fair and reasonable to say that I could have a special feeling about Zion. Zion is Israel; that I could have a special feeling about Zion in no way affects my loyalty to the United States as it would in no way affect the loyalty of a colleague of mine who happens to be of Irish or Italian extraction, or of German extraction who would have special feelings for those countries. I think you would agree with me on that.

Mr. FRELINGHUYSEN. I certainly would not disagree.

Mr. KOCH. When Malik in the highest

forums of international diplomacy can utter these anti-Semitic obscenities and no one rises in that forum to speak out, that shocks me. I must say I spoke out here in the House, as did Congressman Rosenthal, calling attention to the fact that no one had risen in the U.N. and I am delighted to say that I was lated singled out for personal attack by Jacob Malik. I had mixed feelings about that. I thought if I were going to be mentioned at the U.N. it should be in a better context but I was delighted that the response of Congressman Rosenthal and myself had so nettled him, calling attention of the world to his anti-Semitic statements, that he felt called upon to personally attack me.

What I am pointing out is that there is now a new virulent anti-Semitic feeling present, not just the "normal" anti-Semitism that has existed in the Soviet Union and before it in Czarist Russia and surely under Stalin with his Doctor's Plot and then under Khrushchev. It has always been there. But it is even more virulent today. I suspect the reason is really that the Jews are not being forgotten by their compatriots in other lands and hopefully by those who are not Jews but are concerned for humanity.

It seems to me that there is nothing wrong, whether you are Jewish or not Jewish to understand their plight. I say to you I feel very strongly about the plight of the Pakistani, the nine million, and I have spoken out on this on the Floor of the House and I think we ought to be doing something about that, as well as for the Catholic Irish minority of Northern Ireland.

I will continue to speak out about those kinds of oppressions.

Mr. ROSENTHAL. If you go to Pakistan, you are losing the jurisdiction of this subcommittee.

Mr. FRELINGHUYSEN. You are arousing my interest, Mr. Koch. Before you go, my wife and I went to the Soviet Union with four of our children two years ago. What really shocked us was the general anti-religious effort being made and the fact that there really does seem to have been a suppression of what you would think would be awfully strong religious feelings. In other words, the Moslems, what has happened to them in a generation or two, you find practically no practicing mosques or synagogues, or practicing churches. It is inconceivable to me how successful the Soviet Union has been in suppressing the natural instincts of people that have been developed over a period of centuries. I can understand as you say why there is a sensitivity where there has been an increase in awareness on the part of Jews and a feeling on the part of those outside of the Soviet Union that this kind of oppression is wrong and that the least the Soviet Union should do is let them go.

Mr. KOCH. As I pointed out, Mr. Frelinghuysen, there is also this difference that the Christian churches are permited to train their priests in seminaries.

Mr. FRELINGHUYSEN. I am not trying to say that there isn't differences between them. What shocked us generally is the fact that there was a virtual wiping out so far as the mass of population is concerned. They don't know any of the consolidations of religion, I would guess. I would think it must be a severe loss for the Russian people.

Mr. ROSENTHAL. Thank you very, very much, Congressman Koch. We are deeply grateful to you.

Our next witness is Mr. Bertram Zweibon of the Jewish Defense League.

Without objection we will include in the record at this point immediately following the testimony of Congressman Koch the testimony of the Honorable Parren J. Mitchell, a Representative in Congress from the State of Maryland.

MORE U.N. PERFIDY

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, the perfidious Tower of Babel in New York City, otherwise known as the United Nations, took its latest slap at the United States yesterday alleging "grave concern" because this Congress finally stood on its feet and voted to end the band on Rhodesian chrome ore imports.

After callously displaying its immorality by kicking out Free China—a charter member—the United Nations now has the unmitigated gall to criticize the first sensible action this branch of our Government has taken in respect to Rhodesia since that nation declared its independence in 1965.

Of course, Mr. Speaker, if Lyndon Johnson and the cookie pushers of Foggy Bottom had not spinelessly knuckled under to the British request that we join the Rhodesian blockade, we would not have to put up with this sort of business.

The mentality of the United Nations is well illustrated by its pious claim that tiny Rhodesia is a threat to world peace. Nothing, of course, could be further from the truth.

The United Nations blockade of Rhodesia is about as effective as most of its other projects. It is but one more example of why we should promptly end our association with this international debating society.

A STATEMENT ON PEACE AND WAR

(Mr. DENHOLM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DENHOLM. Mr. Speaker, the basic law of this land provides that the "Congress shall have Power—to declare War—to raise and support Armies—" Article 1, section 8, U.S. Constitution.

The original Articles of Confederation, made prior to the adoption of the Constitution of the United States, conferred upon Congress the "sole and exclusive right and power to determining on peace and war." But the United States could not engage in war "unless nine States assent to same."

More definite and full language was written by our Founding Fathers and is used in the existing Constitution of the United States of America. All those powers are attributes of nationality and would exist without mention in the Constitution. But it was desirable to make definite the department of the government in which they should reside.

In the Constitutional Convention some of our forefathers thought the President should have the power; others favored restoring such powers upon the Senate as representing the States in equal number from each represented State; but the prevailing opinion was that the grave acts of declaring and conducting war should be performed by the whole Congress.

In 1812 Congress passed an act in declaring war on Great Britain because of hostile acts done by that country.

In 1846 the Congress declared a state of war with Mexico by a resolution owing of hostile acts of that nation.

In 1898 Congress declared war on Spain.

In 1917 a resolution of war was passed by Congress as a result of the sinking by Germany of the *"Lusitania"* and other merchant ships with the loss of American lives, and of other violations of international law with respect to the United States.

In 1941, Japan attacked at Pearl Harbor. Congress immediately declared that a state of war existed between the United States and Japan, Germany, and Italy.

The United States emerged as the only great Nation in the modern world that had never lost a war. This proud record again demonstrates the strength of free institutions. When the representatives of the people vote for a war, the people respond.

The important lesson to be learned here is that in the United States one man—or one coterie—cannot conduct or declare war.

The conduct and Declaration of War can be done only by the two Houses of Congress whose members are elected by the direct vote of the people. The argument and theory pursued by our forefathers was that action is not likely to be hurried or unjust when submitted for the due care and deliberation of such a body of representatives of the people duly assembled in a joint session of Congress.

"The genious and character of our institutions are peaceful," said the Supreme Court of the United States—1849—"and the power to declare War was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable government to vindicate by arms, if it should be necessary, its own rights and the rights of its citizens." The question before the Supreme Court was then whether the City of Tampico, Mexico, while in the military possession of the United States in 1847, ceased to be a foreign country so that custom duties could not be laid on imports from it. The answer was no.

While the United States may acquire territory, it can do so only through the treaty-making or the legislative powers—the victories of the President as Commander in Chief "do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power."

Congress shall have the power to raise and support armies which is an implied power from the expressed constitutional power "to declare war." But to leave no question as to what department of the government would do it, the power was expressly conferred upon Congress; for otherwise the President as Commander in Chief might assume to raise armies after Congress had made the declaration of war. The President cannot raise an army, nor can Congress maintain one by an appropriation for a longer term than 2 years.

CONCLUSIONS

There is no constitutional authority or precedent authorizing and justifying the President to declare war. The President as Commander in Chief may under the emergency powers of the President mobilize the Armed Forces in the interest of national security. The power to declare war is expressly reserved to the joint session of Congress. It is further restricted by the provisions for appropriations not in access of 2 years without another request to the Congress for further appropriations to finance war.

The more subtle and difficult issue is what may from time to time constitute an act in the national interest? There can be no doubt that when this Nation, its people or its possessions are attacked directly by a foreign aggressor our national interest is placed in jeopardy. Absent of a direct attack the citizens of this country have not historically condoned war. It is unmistakably clear that when the citizens have acted through their representatives in Congress this Nation has always prevailed whatever the adversities.

The second and equally frustrating issue of our time is premised upon the notion that national security is somewhat or somehow exposed and absent of any act by Congress, the President has continued to commit the country to military involvement. The underlying question of such an issue is to what magnitude must such military involvement be committed absent of an act of war. Necessary appropriations to finance modern war are far in excess of any recorded in the history of all wars of this Nation.

In summary the United States entered Vietnam pursuant to a resolution passed by the Congress in 1964 and granted unto President Lyndon B. Johnson the power to repel the Vietcong in the interest of national security. The Congress has continued to appropriate adequate funds to protect our military commitments and men in Vietnam under the Gulf of Tonkin resolution. President Nixon entered Cambodia without any act, counsel or resolution of the Congress. However expedient in the sense of military science the act of aggression in the country of Cambodia was without precedent and of questionable merit as to national security. The continued escalation of military commitments in Indochina without congressional approval will continue to divide reasonable people on the priority of the issues of our times. It is my considered judgment that this Nation can ill afford to further pursue such policies without a full disclosure by the executive branch of Government to the Congress for an evaluation of our national interest. It is the duty of the Congress to respond and if war is to be declared it is for Congress to decide whom the act of war should be declared against and to lead and unite the citizens of this Nation in the common cause against the enemy. It is my belief that the Congress cannot and will not identify the enemy, the nation or the people for whom any declaration of war will issue in Southeast Asia under present existing circumstances. If there is not to be an act of declared war by the Congress the policy of military involvement in Indochina should and must be reviewed to determine a true evaluation of how our national interest is in jeopardy.

It appears that our military commitments and our military involvement has exceeded any reasonable degree of temporary defense of our national security in Indochina. If we seek but the balance of power in a by-polarism struggle of world politics between communism and the people of free governments then it is for Congress to decide to what extent we must be committed economically, monetarily, and politically to achieve the equilibrium of power among nations.

It is my conclusion that Congress cannot fail to act upon these grave questions confronting the citizens of our country. It is wrong for the President to pursue a course of no apparent purpose and particularly so without consultation of the Congress. It is wrong for the Members of Congress to pursue individually the political expediencies of public opinion at the expense of divided citizenry. The present policies cannot and should not be continued and it is the duty of every elected Representative of the people to do all that he can to bring these grave issues to a united decision through the consultative processes of our democratic Government by official action of the Congress.

The time for action—is now.

HANSEN AMENDMENT TO ELECTORAL REFORM BILL

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, at the proper time during tomorrow's consideration of the various Federal election reform proposals, I intend to offer the following amendment. It deals with the use of union treasury funds during political campaigns, an area of abuse that is neglected by the otherwise excellent bill approved by the Senate last August and introduced in the House by Congressmen FRENZEL and BROWN.

Mr. Speaker, the language of the current statutory provision governing the use of corporation and union moneys in behalf of campaigns for elective office is quite vague and has prompted a number of Supreme Court rulings designed to specify its concrete application. These opinions provide that unions may use treasury money to inform their members about the views and positions of candidates, and to support voter registration drives and get-out-the-vote activities aimed at union members and their families. By contrast, the Court's rulings explicitly prohibit the use of union treasury funds for these purposes if they are directed at the general public.

Mr. Speaker, the purpose of my amendment is to clarify and codify these rulings in statutory form. We all know that the privilege granted by the court to unions to use treasury funds for activities directed at their members and families has been abused and must be stopped if our election financing process is to be cleaned up and if it is to retain the confidence of the American public. My amendment, I believe, will accomplish this end in a way that is fair to all parties concerned. I include it at this point in the RECORD:

AMENDMENT OFFERED BY MR. HANSEN OF IDAHO TO THE AMENDMENT IN THE FORM OF A SUBSTITUTE INTRODUCED BY MR. FRENZEL AND BROWN OF OHIO (H.R. 11280)

Page 18, line 20, renumber Section 205 as Section 206 and insert in lieu thereof a new Section 205 to read as follows:

Section 610 of Title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following new paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit or gift of money or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization; provided, that it shall be unlawful for such a fund to make a 'contribution or expenditure' by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination of financial reprisal; or by dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction."

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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.

One of the most influential factors in making America a strong and prosperous Nation has been the contribution by thousands of concerned civil and business organizations to our way of life.

The Rotary Club was founded in February, 1905 by Paul Harris, a Chicago lawyer. With only three original members, the organization was expanded into Rotary International in 1922. Today Rotary International contributes substantially to the promotion of understanding throughout the business world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BLATNIK (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. CHAPPELL (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. COTTER (at the request of Mr. O'NEILL), for today, on account of illness.

Mrs. HANSEN of Washington, for November 18, on account of official business.

Mr. HILLIS (at the request of Mr. GERALD R. FORD), for November 18, 1971, and the balance of the week, 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. SHOUP) to revise and extend his remarks and to include extraneous matter:)

Mr. VEYSEY, for 15 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. HANSEN of Idaho, for 10 minutes, today.

Mr. ARCHER, for 15 minutes, today.

Mr. SCHWENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) to revise and extend his remarks and to include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mrs. CHISHOLM, for 30 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. CULVER, for 5 minutes, today.

Mr. PATMAN, for 15 minutes, today.

Mr. DANIELS of New Jersey, for 10 minutes, today.

Mr. FLOOD, for 60 minutes, today.

Mr. COLLINS of Illinois, for 5 minutes, today.

Mr. GIBBONS, for 60 minutes, on November 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, to revise and extend his remarks on H.R. 11731 today, and to include extraneous material.

Mr. YATES, to revise and extend his remarks during debate on the Aspin amendment.

Mr. RANDALL to extend his remarks prior to the remarks of the gentleman from Louisiana, Mr. WAGGONNER, during limitation of time before recorded teller vote No. 400.

(The following Members (at the request of Mr. SHOUP) and to include extraneous material:)

Mr. BRAY in two instances.

Mr. WYMAN in two instances.

Mr. MCCLORY in four instances.

Mr. SCHMITZ in four instances.

Mr. HANSEN of Idaho.

Mr. ROUSSELOT.

Mr. MCDONALD of Michigan.

Mr. PRICE of Texas.

Mr. RUTH in 10 instances.

Mr. ESHLEMAN.

Mr. KEMP in two instances.

Mr. ESCH.

Mr. FREY.

Mr. FINDLEY.

Mr. BOB WILSON.

Mr. MCCULLOCH.

Mr. VANDER JAGT.

Mr. SCHWENGEL.

Mr. PELLY in two instances.

Mr. BROYHILL of Virginia.

Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. MCKAY) and to include additional matter:)

Mr. ASPIN in 10 instances.

Mrs. HICKS of Massachusetts in two instances.

Mr. BURTON of California.

Mr. GONZALEZ in two instances.

Mr. RARICK in three instances.

Mr. WALDIE in three instances.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. RANGEL in five instances.

Mr. FASCELL.

Mr. MATSUNAGA in three instances.

Mr. BADILLO in three instances.

Mrs. GRIFFITHS in two instances.

Mr. RYAN in three instances.

Mr. DAVIS of Georgia.

Mr. FOLEY in two instances.

Mr. FRASER in two instances.

Mr. HARRINGTON in three instances.

Mr. HAMILTON.

Mr. BYRON in 10 instances.

Mr. BINGHAM in three instances.

Mrs. SULLIVAN in two instances.

Mr. VANIK.

Mr. JACOBS in two instances.

Mr. BEGICH in five instances.

Mr. PEPPER.

Mr. EVINS of Tennessee in two instances.

Mr. HAWKINS.

Mr. DANIEL of Virginia.

Mr. HOLIFIELD.

Mr. TIERNAN in two instances.

Mr. SMITH of Iowa.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2672. An act to permanently exempt potatoes for processing from marketing orders; to the Committee on Agriculture.

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. 306. An act for the relief of Eddie Troy Jaynes, Junior, and Rosa Elena Jaynes;

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender;

S. 629. An act for the relief of Chen-Pai Miao;

S. 708. An act for the relief of the village of Orleans, Vt.; and

S.J. Res. 132. Joint resolution extending the duration of copyright protection in certain cases.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4729. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and other purposes;

H.R. 7072. To amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; and

H.R. 11418. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 18, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1291. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Comimttee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1292. A letter from the Comptroller General of the United States, transmitting the second report on the audit of payments from the special fund to Lockheed Aircraft Corp. for the C–5A aircraft program, covering the quarter ended September 30, 1971, Department of Deefnse; to the Committee on Armed Services.

1293. A letter from the Comptroller General of the United States, transmitting a report that the Consumer and Marketing Service's enforcement of Federal sanitation standards at poultry plants continue to be weak, Department of Agriculture; to the Committee on Government Operations.

1294. A letter from the Comptroller General of the United States, transmitting a report on problems in paying for services of supervisory and teaching physicians in hospitals under medicare, Department of Health, Education, and Welfare; 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. HÉBERT: Committee on Armed Services. H.R. 11624. A bill to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition (Rept. No. 92–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7130. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; with an

amendment (Rept. No. 92–672). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 8856. A bill to authorize an additional Deputy Secretary of Defense, and for other purposes; with amendments (Rept. No. 92–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 710. Providing for taking the bills S. 2819 and S. 2820 from the Speaker's table, amending both bills, passing both bills and amending the titles thereof; insisting on the House amendments, requesting conferences with the Senate and authorizing the Speaker to appoint conferees to attend said conferences (Rept. No. 92–674). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 711. Providing for the consideration of a conference report on the joint resolution (H.J. Res. 946) on the same day reported or any day thereafter (Rept. No. 92–675). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 11816. A bill to amend section 1257 of title 28, United States Code, to provide that the Supreme Court shall not have jurisdiction to review a State court final judgment or decree that an act or publication is obscene; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. DENHOLM, Mr. BEGICH, and Mr. MCCOLLISTER):

H.R. 11817. A bill to require that all schoolbuses be equipped with seatbelts for passengers and seatbacks of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Illinois (for himself, Mr. MILLS of Arkansas, Mrs. ABZUG, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ASPIN, Mr. BINGHAM, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. DIGGS, Mr. ERLENBORN, Mr. FASCELL, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KOCH, Mr. MATSUNAGA, Mr. METCALFE, Mr. MIKVA, Mr. MOORHEAD, and Mr. PEPPER):

H.R. 11818. A bill to amend the Social Security Act to provide that the total amount of a State's required expenditures for aid or assistance under the cash public assistance programs during either of the fiscal years 1972 and 1973 shall not exceed the total amount of its expenditures under such programs during the fiscal year 1971; to the Committee on Ways and Means.

By Mr. COLLINS of Illinois (for himself, Mr. MILLS of Arkansas, Mr. PRICE of Illinois, Mr. RANGEL, Mr. ROE, Mr. ROSENTHAL, Mr. ROY, Mr. ST GERMAIN, and Mr. CHARLES H. WILSON):

H.R. 11819. A bill to amend the Social Security Act to provide that the total amount of a State's required expenditures for aid or assistance under the cash public assistance programs during either of the fiscal years 1972 and 1973 shall not exceed the total amount of its expenditures under such programs during the fiscal year 1971; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 11820. A bill to amend title 39, United States Code, to provide for the mailing of letter mail to Senators and Representatives in Congress at no cost to sender, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. HICKS of Massachusetts:

H.R. 11821. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 11822. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 11823. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 11824. A bill to assist railroads in acquiring and utilizing rolling stock, to proscribe disproportionate taxation of certain interstate carriers' property by State or local governments, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER) (by request):

H.R. 11825. A bill to amend the Federal Aviation Act of 1958 to provide for the regulation of rates of air carriers and foreign air carriers in foreign air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11826. A bill to amend the Interstate Commerce Act, as amended, and acts amendatory and supplemental thereto, to provide for increased reliance on competition in the establishment of carrier rates, charges, and practices, to liberalize entry and exit in the several modes of surface transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself, Mr. HENDERSON, Mr. SCHERLE, Mr. ABBITT, Mr. HALEY, Mr. ARCHER, Mr. BLACKBURN, Mr. LANDGREBE, Mr. FISHER, Mr. SCOTT, Mr. SCHMITZ, Mr. PRICE of Texas, Mr. ROBINSON of Virginia, Mr. COLLINS of Texas, Mr. SMITH of California, Mr. ESHLEMAN, Mr. BAKER, Mr. GROSS, and Mr. JONAS):

H.R. 11827. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. VEYSEY:

H.R. 11828. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 11829. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

H.R. 11830. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11831. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 11832. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11833. A bill to amend the age and service requirements for immediate retirement under subchcapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11834. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 11835. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. ABOUREZK (for himself, Mr. ASPIN, Mr. HARRINGTON, Mr. ROSENTHAL, Mr. ROY, and Mr. SEIBERLING):

H.R. 11836. A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 11837. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CASEY of Texas:

H.R. 11838. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. COLMER:

H.R. 11839. A bill to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ERLENBORN:

H.R. 11840. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and means.

By Mr. HANLEY (for himself, Mr. UDALL, Mr. BOGGS, Mr. ABOUREZK, Mrs. ABZUG, Mr. ADAMS, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRADEMAS, Mr. BRASCO, Mr. BROYHILL of Virginia, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. CARNEY, Mr. CLAY, Mr. CORMAN, Mr. DANIELS of New Jersey, Mr. DANIELSON, Mr. EDWARDS of Louisiana, Mr. EILBERG, and Mr. ESCH):

H.R. 11841. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. UDALL, Mr. EVANS of Colorado, Mr. FASCELL, Mr. FRASER, Mr. GALLAGHER, Mr. GAYDOS, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HOGAN, Mr. HOLIFIELD, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MELCHER, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL, and Mr. MOORHEAD):

H.R. 11842. A bill relating to comparabil-

ity adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. UDALL, Mr. MOSS, Mr. MURPHY of New York, Mr. NICHOLS, Mr. O'NEILL, Mr. PEPPER, Mr. RANGEL, Mr. REES, Mr. REUSS, Mr. ROE, Mr. ROSENTHAL, Mr. ROY, Mr. RYAN, Mr. ST GERMAIN, Mr. SARBANES, Mr. SCHEUER, Mr. SISK, Mr. JAMES V. STANTON, Mr. THOMPSON of Georgia, Mr. TIERNAN, Mr. WALDIE, Mr. WILLIAMS, and Mr. CHARLES H. WILSON):

H.R. 11843. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI:

H.R. 11844. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. MOSS:

H.R. 11845. A bill to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to permit an air carrier to hold both scheduled and supplemental certification; to the Committee on Interstate and Foreign Commerce.

H.R. 11846. A bill to amend the War Claims Act of 1948 to abolish the Foreign Claims Settlement Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 11847. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.R. 11848. 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. ST GERMAIN:

H.R. 11849. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11850. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. STEELE:

H.R. 11851. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 11852. A bill to designate certain lands in the Okefenokee National Wildlife Refuge, Ga., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.J. Res. 971. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H.J. Res. 972. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval and reduction of items in general appropriation bills; to the Committee on the Judiciary.

By Mr. UDALL:

H.J. Res. 973. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. YATRON (for himself, Mrs. ABZUG, Mr. ANDERSON of Illinois, Mr. ASPIN, Mr. BRADEMAS, Mr. BURTON, Mrs. CHISHOLM, Mr. DELLENBACK, Mr. DERWINSKI, Mr. EILBERG, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KYROS, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MITCHELL, Mr. MORSE, Mr. PETTIS, Mr. ROE, and Mr. ROONEY of Pennsylvania):

H.J. Res. 974. Joint resolution authorizing the President to proclaim the third Sunday in October of each year as "National Shut-In Day"; to the Committee on the Judiciary.

By Mr. YATRON (for himself, Mr. ST GERMAIN, Mr. STEELE, Mr. TIERNAN, and Mr. WINN):

H.J. Res. 975. Joint resolution authorizing the President to proclaim the third Sunday in October of each year as "National Shut-In Day"; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. PODELL, Mr. KUYKENDALL, Mr. STEELE, Mr. VANDER JAGT, Mr. CAMP, and Mr. GUBSER):

H. Con. Res. 462. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 11853. A bill for the relief of Michael E. Toro; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 11854. A bill for the relief of Anthony M. Daleo; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 11855. A bill for the relief of Ibrahim Mohamed Zaki Oweiss; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 11856. A bill for the relief of Hilda I. Rodgers; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 11857. A bill for the relief of Patrick W. Russ; to the Committee on the Judiciary.

By Mr. HÉBERT:

H.R. 11858. A bill for the relief of Christine R. Anderson; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 11859. A bill for the relief of William H. Spratling; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

158. The SPEAKER presented a petition of Ron Jones, Nedrow, N.Y., relative to the terms of a treaty between the United States and the Iroquois Confederacy; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. RIEGLE. Mr. Speaker, today, I have introduced the Community School Center Development Act. This will serve as the House version of the same act recently introduced in the Senate by Senators CHURCH and WILLIAMS. I congratulate them for their initiative in this matter.

The crisis in our schools is an acknowledged fact, particularly in our city schools and schools in low-income and rural areas. The problems are manifold—outdated curriculum and teaching materials, inability to attract and keep good teachers, lack of public support and willingness to pay for improvements, the dilemma of community participation and control, inadequate tax base, the unfair financing reliance on property taxes, educational experience not adequately personalized to the needs and potential of individual children, and so forth.

In short, the relationship between the school and the individuals and groups who make up the community around the school is confused and inadequate for the needs of our time. As a result, not enough young people are realizing the potential they must if they are to be productive and involved citizens in the 1970's, 1980's, and 1990's. Another widely documented condition in today's society is the loss of a sense of community. The forces which fragment and divide a community are greater than those which bring people together to participate and share in larger common interests. This problem can and must be overcome.

One encouraging response to these problems is the community school concept—where the school becomes a fully utilized, decentralized community center, open from early in the morning until late at night, 6 or 7 days a week. The community school concept was pioneered and developed in Flint, Mich., over 30 years ago under the leadership and direction of Charles Stewart Mott and the Mott Foundation. Mr. Frank Manley, of Flint, first organized the concept which the Mott Foundation carried forward.

Under the community school program, the school becomes a neighborhood facility serving not only schoolchildren but adults, senior citizens, community groups and the like with a full array of services: educational, social, recreational, health, local government, public safety, vocational and, in general, whatever the community wants and needs. Everybody in the community gives something to the effort and everybody gets something.

Although there is no pat formula which can be uniformly applied to all communities, there are some battle-tested ways of helping communities to establish their own particular kind of community education as a function of their own special needs, problems, and resources. There is good evidence that this approach can help to make education more responsive to the community, more meaningful to both children and adults, and in the