

## SENATE—Monday, February 20, 1978

(Legislative day of Monday, February 6, 1978)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. DENNIS DECONCINI, a Senator from the State of Arizona.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We shall pray today in the words of President George Washington's prayer for his country.

Let us pray—

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord." Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, D.C., February 20, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.

JAMES O. EASTLAND,  
President pro tempore.

Mr. DECONCINI thereupon assumed the chair as Acting President pro tempore.

## READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 8, 1978, the Senator from Kentucky (Mr. HUDDLESTON), having been appointed by the Vice President, will now read Washington's Farewell Address as in legislative session.

Mr. HUDDLESTON advanced to the rostrum and read the Farewell Address, as follows:

## WASHINGTON'S FAREWELL ADDRESS

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and

administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review some sentiments which are the re-

sult of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the

equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflective and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of

governments for the respective subdivisions, will afford a happy issue to the experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with



its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put it in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alternations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government,

with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there

being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference

upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another,

disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the in-

trigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government



to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice

and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,  
17th September, 1796.

#### ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there may be a period for the transaction of routine morning business, as in legislative session, without any addresses made during that period being permitted to extend beyond 3 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SENATOR HUDDLESTON CONGRATULATED ON PRESENTATION OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. ROBERT C. BYRD. Mr. President, I congratulate the very distinguished Senator from Kentucky (Mr. HUDDLESTON) on his eloquent presentation of George Washington's Farewell Address to the people of the United States.

Senator HUDDLESTON not only has presented the address in a very eloquent, moving, and meaningful manner, but also, he has rendered a service to the Senate and to the Nation.

It is a service to the Nation always to hear the words of Washington's Fare-

well Address. I think it is good for all of us to refresh our memory with respect to the fundamental principles that George Washington laid down in his address. These are the principles which he held close to his heart, and they are among the principles that make this a very great Nation.

If we, in our day, are to perpetuate the greatness of this Nation, we need to hold on to some of the old verities that were expressed so well by the first President of our country, the commander of our forces at Valley Forge, and the man who presided over the Constitutional Convention in 1787.

I personally thank Mr. HUDDLESTON, and I am sure that the Members of the Senate appreciate the time he has given to the preparation of this address and to his very splendid reading of it.

Mr. PERCY. Mr. President, I join the majority leader in commending our distinguished colleague.

As Senator HUDDLESTON was reading Washington's Farewell Address, sections of it stood out and brought to mind two of the critical problems that we face today: the tragedy in the Mideast which has dominated the newspaper headlines this morning and, our most serious domestic problem, the continuing coal strike and its increasing, adverse effects on our energy supply.

Washington said in his Farewell Address:

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize.

He went on to say later:

This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support.

I repeat. He said:

(it) has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. . . . The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

#### THE COAL STRIKE

I cannot help think as we face this critical domestic situation today: as factories in some areas of the country begin to close down; as public concern increases about the safety, health and welfare of our citizens; as coal stocks are reduced; that we should pay tribute to those who have devoted themselves, without cessation, to trying to resolve this matter in a way that is conducive to the domestic tranquility and conducive also to the survival of the free collective bargaining process that we treasure so.

To those who have taken the law into their own hands, who have illegally in-

interfered with the movement of coal stocks, who have resorted to violence and, in a sense, have encouraged anarchy in some areas, I simply say: Read the words of our Founding Father and see whether or not any individuals in this country have the right to seize power for themselves, defy the law, and bring violence to those who are attempting to carry out their duties and responsibilities.

I commend those Governors who have seen fit to use their emergency powers to deal with this crisis. They are operating as best they can in a very difficult situation.

I hope we will move quickly toward a solution of this problem by carrying out the collective bargaining process in good faith. I hope both parties cooperate.

I hope we will not seek to resolve the problem through invocation of the Taft-Hartley Act. This is the ultimate weapon. I hope it is not going to be necessary for the President to turn to Congress for authority to seize and operate the mines. I think there is still time for collective bargaining to work.

Mr. President, I should simply close by printing in the RECORD at this time an Associated Press wire story that has just come across the wires indicating that a tentative contract agreement has been reached between the United Mine Workers and a major independent coal producer, the Pittsburgh & Midway Coal Co. This is welcome news indeed.

As I understand it, this coal company produces about 4,000 tons of coal and employs approximately 1,000 workers. It is a subsidiary of the Gulf Oil Corp. I have spoken to its chairman this morning and I have spoken to people from the Department of Labor about this important development for the coal industry.

Certainly, this forward move reinforces the strength of the collective bargaining process as the best tool for business-management relations, instead of resorting to Government interference. I think it would be in the best interests of this Nation for all of us—particularly those involved in the coal negotiations—to live by the spirit captured in words by President Washington when he spoke about our working within the framework of liberty that has been given to us. I commend our distinguished colleague for his eloquent reading of the truly eloquent address, and I ask unanimous consent to print in the RECORD the wire service item to which I have made reference.

There being no objection, the wire service item was ordered to be printed in the RECORD, as follows:

**COAL STRIKE**  
(By David Espo)

WASHINGTON.—The striking United Mine Workers Union today reached a tentative contract agreement with a major independent coal producer as President Carter prepared to consult Congress on "definitive" action to end the 77-day-old soft coal strike.

Administration officials and union leaders said they were hoping the tentative agreement with the Pittsburgh and Midway Coal Co. would break the stalemate in the national strike.

P&M, which is owned by Gulf Oil Corp., is

not a member of the Bituminous Coal Operators Association, which represents the large coal companies. BCOA members mine about half the nation's coal.

P&M has 800 to 1,000 mine employees and six mines in Kentucky, Missouri and Kansas.

The tentative P&M pact must be approved by the union's bargaining council and the union's membership.

If the contract is approved by the miners, P&M could begin producing coal, helping to ease shortages in some areas. But more importantly, the tentative agreement is expected to intensify pressure on the BCOA and the UMW to come to terms.

It was not immediately clear how long it will take for the tentative P&M contract to be voted on by the miners.

Merlin Breaux, Gulf Oil's vice president for industrial relations, said the tentative P&M contract represented a compromise between what the UMW wanted and what BCOA wanted. The UMW's bargaining council had previously rejected a BCOA offer because the union objected to clauses imposing penalties on miners who go out on wildcat strikes.

Breaux said other coal companies have three alternatives: follow the P&M contract pattern, continue negotiations with the UMW or stand by and let Carter intervene.

The breakthrough in the P&M contract came as administration officials were exploring the possibility of encouraging individual settlements between BCOA companies and local UMW units. The government could provide mediators for such an effort, for example, although this process would be time-consuming.

Carter is going to consult with Congress on "definitive" action to end the 77-day coal strike which already has forced some power cutbacks and industrial layoffs and is threatening more.

White House officials say the administration will consult with the congressional leadership on a series of options including temporary federal seizure of the coal mines, binding arbitration or invoking the Taft-Hartley Act.

Sources said Carter is likely to recommend a combination of these. "You have to have a lot of tools in this bag," said one source.

The strike began Dec. 6 with most utilities reporting 90-day emergency stockpiles of coal, but those supplies have dwindled and electricity cutbacks already are in effect in some areas. Mass industrial layoffs are feared with some government estimates saying the number of those out of work could reach five million.

Carter has authorized Ohio, Indiana and Kentucky to temporarily relax air pollution standards so that remaining coal can be burned more efficiently.

Congress would have to enact special legislation to permit a takeover of the industry or to allow binding arbitration to end the strike. In addition, administration sources say that invoking the Taft-Hartley Act is unlikely because of the widespread belief that the striking United Mine Workers members would ignore a back-to-work court order.

Rep. Frank B. Thompson, D-N.J., said Sunday he had been called back to Washington from New Jersey by the White House to ensure that a ranking member of the House Education and Labor Committee would be on hand. He is chairman of that body's labor-management relations subcommittee.

"Unless the miners and the operators come to their senses, we are at a very serious point where one of these options must be taken," Thompson said. But he said he doubted the miners would follow orders to return to work for a cooling-off period. He also doubted the effectiveness of a federal mine takeover.

Sen. Harrison Williams, another New Jersey Democrat, called Carter's decision to work with Congress "a wise" move. But Williams, chairman of the human resources committee, was not optimistic about quick congressional action.

"It wouldn't be a snap of the fingers," he said.

The White House announced its intention to take "definitive action" after conceding that the collective bargaining process failed to end the strike.

"The possibility remains for the two parties to resolve their remaining differences," White House press secretary Jody Powell said Sunday. "However, it is clear that we can wait no longer to initiate the process of resolving this matter by other means."

"We hope that as the process proceeds both parties will seriously reflect upon the unfortunate consequences of this breakdown in the bargaining process," Powell said in a prepared statement.

Asked whether he thought Carter has made a final decision, Powell said, "My suspicion is he has not."

Powell met with reporters after top administration officials held an afternoon strategy session at the White House to go over the strike and the stalemated negotiations. Carter, who attended a similar meeting with Labor Secretary Ray Marshall and others on Saturday, skipped the Sunday session.

There have not been negotiations since early Saturday, when the UMW bargaining council turned down a revised industry contract offer. Powell said he knew of no plans for further meetings.

Many industry bargainers left town after the rejection by the council, which must approve any contract before it is submitted for rank-and-file ratification.

#### TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Executive N, 95th Congress, 1st session, which the clerk will state.

The assistant legislative clerk read as follows:

Executive N, 95th Congress, first session, treaty concerning the permanent neutrality and operation of the Panama Canal.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized.

#### ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period of routine morning business, as in legislative session, until the hour of 11 o'clock this morning, after which the Senate then resume its consideration of the treaty.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. ALLEN. Mr. President, I am seeking recognition in the period for the transaction of routine morning business and not the recognition to which I am entitled when the Panama Canal treaties are laid down.

The ACTING PRESIDENT pro tem-



pore. The unanimous-consent request is approved.

Without objection, the Senator from Alabama is recognized.

#### ALABAMA FARM BUREAU PRESENTS VIEWS

Mr. ALLEN. Mr. President, deviating from their traditional spring visit to Washington, some 225 members of the Alabama Farm Bureau made their annual visit to the Nation's Capital on January 23 this year. Because of the acute situation on the farms back home it was expedient that they come just as the second session of the 95th Congress was beginning.

These farmers, all members of the Alabama Farm Bureau, were united by a common bond. They had experienced the destruction of their last year's crops by a combination of drought, army worms and aflatoxin, all of which was followed by an inordinately wet fall which prohibited the proper harvesting of other crops. Add to this, if you will, falling farm prices and spiraling production costs. Cap all of this with increasing governmental interference by regulations from EPA and FDA.

But these farmers, Mr. President, came not out of anger but out of concern—concern for their future and concern over the potential collapse of the agricultural economy in Alabama. This concern prompted the able and distinguished president of the Alabama Farm Bureau, Mr. Jimmy Hays, to request a meeting of the Farm Bureau members with Secretary of Agriculture Bob Bergland, the Alabama congressional delegation, and representatives from the White House.

So, Mr. President, we met on the morning of January 23 and 12 selected members of the Farm Bureau made their presentations to us regarding the present status of agriculture in Alabama. These presentations were well prepared and well presented by these able agriculture spokesmen. Their information enlightened and, in some cases, shocked us. I feel it would be propitious to share these statements with my distinguished colleagues and, consequently, Mr. President, I ask unanimous consent that these 12 statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

#### STATEMENT OF MR. L. O. BISHOP

Thank you. I appreciate being allowed to be here. Thank you Senators and Secretary Bergland.

On our fuel and energy we support a program that will insure adequate supply of all fuel for agricultural purposes at reasonable prices. In relation to natural gas for the production of fertilizers, we support legislation which provides for decontrol of natural gas and prices.

On our nitrates and nitrites, we oppose the theory that the industry should prove it's a cancer causing agent in the curing of bacon. We feel that the USDA should first prove that it causes cancer and not lay the responsibility on the industry. In relation to sulfa drugs, we feel before they are pulled off the market that we should have a hearing. In my own case, I had hogs that were sick and coughing and I used a lesser drug

day. I had to use a sulfa drug and, of course, after being on it five days they were O.K. But the hogs had to be held off the market, according to government regulations, because I used a sulfa base drug. So our point is Mr. Secretary, we don't want it pulled off the market without a hearing or until a drug has been developed that will be equally economical and as effective as sulfa.

#### STATEMENT OF MR. BEN BOWDEN

We certainly appreciate your giving this time to listen to us. I'm Ben Bowden, a cotton, soybean, peanut, corn and cattle farmer from Twin Springs in Russell County, Alabama.

Until recently I considered myself a successful farmer, a person able to meet the adversity that continues to confront all of us who till the soil. But this past year has left me in a state of shock. A turnaround in prices in an eight-month period is unbelievable. It's hard to understand how commodity prices could come down almost one-half and still not benefit the consumer.

Last April at planting time, soybeans were \$10.50 a bushel; now they are \$5.40. Corn was \$3.75; now it's \$2.10. Cotton was 78¢; now it's 51¢. Yet, the consuming public is still paying the same or more for the products made from our commodities. It makes us realize more that base prices of our farm products are not the contributing factor to increases in the cost of consumers goods. Therefore, we feel we could receive much higher prices for our commodities without contributing to inflation. It appears that the price for raw materials in all industries is their lowest cost of production. I would like to talk to you about just one commodity, soybeans, in a little more depth.

Soybeans are of great economic importance to our state. Acreage has grown to 1,600,000 acres in 1977. They are being planted in every area of the state. Whole communities and towns depend on soybeans as their main source of income. When the price is down, it affects a lot more people than just the farmer. Every business in the soybean area has its income cut. Each individual's purchasing power is affected.

On my farm, low prices have a serious affect on my ability to continue. The capital that is required to run a farm continues to multiply at an increased pace. Without greater income each year, we cannot meet the cost of staying in business, much less show a profit.

I would like to use an example of just one cost of growing beans. This is the cost of machinery. Four years ago I purchased a 4430 John Deere Tractor for \$12,000. This year I purchased an identical tractor for \$21,000, up \$9,000. A combine four years ago cost \$23,000. This year I purchased a combine for \$43,000. When I purchased this equipment, beans were over \$10.00 a bushel, and now they're a little over \$5.00. I can't afford this equipment at today's soybean prices. Equipment is just one cost, though. Fuel, labor, chemicals, fertilizers, and land costs all continue to increase.

We need a realistic support price, but still low enough not to stimulate over production. We want to stay away from government control. This sounds impossible, but I feel there are a few areas that we can improve on. These five proposals, I feel, will help raise net farm income.

1. We need more on-the-farm storage. If we had more farm storage, we would have more leverage in the market. We could have this storage capacity with more favorable terms and loan rates on storage facilities, the CCC, FHA, or other government agencies should to provide this.

2. Exports is another area that needs a lot of work. We need to improve on our

than sulfa base drug, and it got worse each dock facilities and our railroad capacity. We need to implement rules to permit farmers direct access to the export market. We need to renegotiate trade agreements and tariff restrictions. Farmers need broader representation in trade negotiations and in government trade decisions. Above all, we should prohibit an embargo.

3. Some farms use a lot of unskilled labor. We need passage of an amendment to the minimum wage law, giving agriculture a differential. Strikes at harvest time by groups handling farm products should be prohibited. We have to defeat the National Labor Reform Act, Senate Bill 1883. The Senate has to do this for us, not just for farmers, but for the good of the whole country.

4. FIFRA should be transferred to the USDA and out of the EPA. But until it is, we need a revision of R.P.A.R. procedures to require the EPA administrator to evaluate the cost benefit versus the environmental impact before R.P.A.R. notices are published in the Federal Register. A lot of good chemicals are not used because of the damaging accusations. They should not be cited until they are proven harmful.

5. Some form of crop insurance is needed for all commodities, probably under private carriers, which should be reinsured by the Federal Government. This insurance should be on an annual basis and not automatically renewed as is the current insurance program. We need to continue the current disaster program on all commodities.

These are just a few suggestions we feel will be helpful. Other states will have more. We farmers represent only 4% of the population, a small percent of the total population, but the total population depends on us for their food and fiber.

We feel they are sympathetic to farmer's needs and are willing to help us achieve better prices for our crops. We ask you to please help us realize better income by using your leadership and expertise to help us achieve this goal.

We appreciate your support and thank you for your past efforts to help the farm community and your state. I would like to thank you again for your time and for interest.

#### STATEMENT OF MR. DENNIS BRAGG

Thank you for this opportunity to visit with you and to express some of our suggestions. These are the subjects I would like to make comments about: 1. 100% Parity, 2. Target Price, 3. C.C.C. Loan, 4. Set-Aside, 5. Exports, 6. Imports, 7. Proven Yields for Payment.

1. 100% parity:

We have a resolution in Alabama Farm Bureau that states cotton farmers should be paid 100% of parity. I am sure all farmers should receive parity but I hope a way can be found to achieve it without the money coming from government support payments.

2. Target price:

The target price of cotton should be near the cost of production. We believe the cost for 1978 will be substantially higher than the 1977 figures indicate. The Alabama Commodity group recommended that the Target Price payment be figured on sales made in September, October, November and December.

3. C.C.C. loan:

Due to increases in cost of production the C.C.C. Loan should be raised and the interest charges lowered. The spread between loan and target should not be more than six cents.

4. Set-Aside:

A 20% set-aside should be used when needed for cotton and feed grains with the same provisions as for wheat. Most of the surplus has been caused by no controls and increased planting. Controlled planting would help eliminate erratic price changes

and oversupply. Set-aside would cause prices to advance with less cost to the government. Conservation practices on set-aside should be encouraged to build land for future use.

#### 5. Exports:

We know that a great deal is being done to increase exports. This is one of the best ways of increasing our income and reducing surpluses. More work should be done to increase sales to our foreign customers and to begin trade negotiations with others. Some trade restrictions should be removed. Improvements should be made on our ports, such as Mobile and Galveston, so that large ships can enter and be loaded. Prompt loading of ships is very important. Better packaging of our cotton for overseas shipment is needed. We need to have less foreign matter in soybeans and grain that is shipped. Sufficient funds should be made available to expand exports. This would be an investment, not an expense. U.S. exports more than 25% of all cotton that is exported in the world, but yet Europe imports only 10% of her supply from the United States. Trade relations need improving in Europe.

#### 6. Imports:

U.S. clothing imports rose 46% during the last 10 years. When international trade is conducted in a manner that is fair and equitable to all nations concerned it is a healthy contribution to the well being of those nations and their people. The multifiber arrangement (MFA) that we have with some countries has loopholes that are being used by some countries. Some countries are selling to the U.S. without any multifiber arrangements. The American people should be made aware of the adverse effect to the U.S. economy when they buy imported products. A report should be made of all imports to the U.S. and adjustments made where necessary.

#### 7. Proven Yields for Payment Purposes:

My last information was that the final decision on how to figure yields for 1978 payments has not been made. One proposal is to get proven yields for five years, drop the lowest year and average the remaining four years. In some areas of Alabama we have had four cotton disaster years out of the last five years. Some proven yields have decreased from 700 pounds to 300 pounds due to insects and bad weather conditions. These producers would still have a disaster even if they drew payments on 100% of their proven yield. Special consideration should be given these producers and adjustments made by county committees of A.S.C.S. to correct these year after year cotton crop disaster yields. A 20% reduction on 1973 projected yields would be a fair figure.

#### STATEMENT OF MR. WILLIAM EASTERLING

Our distinguished friends of both the legislative and administrative sectors of our Federal Government, ladies and gentlemen. We have arrived at the point wherein it is essential that the agricultural community explain its problems with such clarity that our nation can understand the dilemma the farm community is facing. Several days ago on our fish farm we were attempting to back a tractor with a pump attached into one of our raceways. It had been raining, the bank was slippery, and the person driving the tractor was having a difficult time backing the pump into the water. It appeared that the driver was not going to be able to back into proper position to pump water. Nelson, standing next to me, said, "Mr. Easterling, if you'll let me get upon that tractor I'll back it in there." Nelson stutters when he talks, and I asked him the second time what he had said. So out of desperation, I asked the one driving the tractor to let Nelson try. Somewhat leery that Nelson might back the tractor in the

water along with the pump, I cautioned him to be real careful. To my surprise he got the pump and tractor in perfect alignment to back into the water, but it was at this moment that I stopped Nelson and cautioned him to be sure and not jump off of the tractor in the event the brakes failed to hold. Slowly and cautiously Nelson began to back the pump into the water, and on reaching the edge of the bank he applied his brakes and the wheels began to slide. As Nelson slid down the bank and into the water with the tractor, he cried out, without stuttering a word, "I'm gone, I'm gone, I'm gone." And down into the water went Nelson, tractor, pump and all. Fortunately he was not hurt. I hope and pray that our nation's capital understands the words of the farmer in this hour as he cries, "I'm gone, I'm gone." He has not at this point fallen to the bottom of the pond, but we must understand that he is sliding in that direction.

I cannot help but believe that help is on the way. For we have here in this hour Mr. Bergland, our Secretary of Agriculture, Senator Allen, Senator Sparkman, representation from the President's office, members of the House of Representatives, and others of great importance to listen to our pleas. It is encouraging to have these great men to take time from their busy schedules to allow us to articulate our problems.

I represent that segment of the agricultural community that is just beginning to take a place in the conversation of the farming community. Yet, in rising to speak I'm sensitive to the fact that fish farming holds an important place in the dreams of every boy and girl. Catfish farming was unheard of a few years ago, but this year more than twenty million pounds of farm raised channel catfish will be eaten by the American people.

On September 29, 1977, President Carter signed into law the "Food and Agricultural Act." This bill contains a major milestone for the fish farmers of our nation. Never before had they been recognized in the farm legislation of our nation, but they are now considered a significant contributing force in providing food for our nation's people.

Recognizing this piece of farm legislation as only an authorization, distinguished members of the legislative sector proceeded with legislation for its implementation. Congressman Flippen introduced a bill in the House. Senator Stone introduced a bill in the Senate that was co-sponsored by Senator Allen, Senator Sparkman, Senator Bentzen, the late Senator Hubert Humphrey, and others. Senator Stone's bill is known as the "Aquaculture Act of 1977." This bill clearly states that the USDA is to be the lead agency for aquaculture. This bill deserves our full support. It provides a foundation that will enable aquaculture to understand its present status, establish goals for the future, and under the leadership of the USDA directions for obtaining these goals.

#### STATEMENT OF MR. J. D. HAYS

I am going to talk on monetary spending and tax policies. I address myself first to inflation. Last week the inflation rate for 1977 was announced at 6.8% and since 1972, it has increased 32%. In other words, \$10,000 invested in 1972 would have an equivalent value now of about \$14,750 on a break-even point. We do have a rapidly escalating rate of inflation in this country and it is causing a great many problems.

Basically, inflation is caused by government spending. We're just now looking at the budget of the coming year as proposed to Congress of about \$500 billion. We're also looking at about \$200 billion in local and state spending, which actually is about a third of the nation's total output. That's

compared to 21% in 1950, so you can see how our budgetary needs have escalated by the government and \$1 out of \$4 is income for the government and one fifth of 20% of all sales of production and products go for government use.

We just had a State of the Union address by the President in which tax cuts were proposed. We also know that certain tax increases are coming. Economic and political commentators raise questions as to whether or not the tax cuts will become a reality, but the tax increases are already here. This in effect says that the budget is looking to be in the neighborhood of about a \$60 billion deficit. This country has been operating on deficit budgets about 80 to 90% of the time for the last 20 years. This has resulted in a rather huge escalating national debt. This gets us of course into devaluation problems the dollar is having.

Last week, the Federal Reserve increased the discount rate from 6 to 6½ percent. The banks increased the prime rate to 8 percent. In the field of international trade, we're running a balance of a trade deficit of about \$28-\$30 billion. In other words, we're putting more U.S. dollars in foreign hands. This money is depressing the value of the dollar abroad. For example, the Japanese Yen as compared to the U.S. dollar—the dollar deteriorated about 22 percent last year; the Swiss Franc about 12½ percent and the German Mark about 12 percent. So, we are creating a problem there for us that is devaluing the dollar abroad and I think we should look at that in particular in two areas.

We are in need of additional exports to offset this balance of trade deficit and I know of no better way to do this than through agricultural exports. We're looking at the importation of oil and other energy sources. As the value of the dollar continues to decline abroad, two things happen. The price of this oil will go up and it's going to go up quickly if the value of the dollar continues to decline. These extra U.S. dollars abroad in foreign hands are coming home to this country in the form of domestic investments here in various enterprises including farmland. We need to be looking closely at this. I want to again emphasize that we need to find ways to use Public Law 480 to generate additional exports. We need to look at anything we can to innovate and stimulate additional agricultural exports which will relieve the pressure on the domestic market. It will help balance the balance of trade accounts and it will help to stabilize and strengthen the dollar.

In respect to agricultural research, the pressure of increased cost of production and declining agricultural prices, necessitates more efficient farming. Agricultural research is of significant importance to us. With respect to the reorganization of the Department of Agriculture, farmers feel that more emphasis should be placed on those functions directly related to agriculture—production, research on production, and some certainly on consumer affairs.

#### STATEMENT OF MR. OSCAR JONES, JR.

I am sure that everyone will agree that agricultural chemicals will play an essential role in agriculture's ability to feed the population of the future. Positive legislation is necessary or agricultural productivity will decrease. The American consumer will be the ultimate loser. Some of our present rigid and unrealistic standards governing the use of agriculture chemicals will have a far-reaching implication on this nation and also the world's feed supply.

The House-Senate Conference is anticipated on Senate Bill 1678 and House Bill 8681. These bills will amend and extend FIFRA for two years. (We feel very strongly that the amendments in the House bill au-



thorizing the states to register additional minor uses for any federally registered pesticide.) Manufacturers secure registration for pesticides on major crops on a national scale. It is important that the states be allowed to provide additional registration for local needs. We respectfully request that the Conference Committee report all of the amendments in House Bill 8681 and make FIFRA and the EPA responsive to the needs of farmers.

It's important that a farmer be able to purchase a restricted use pesticide for application by a commercial applicator. We, as farmers, need to employ procedures in formulating our farm plans and budgets that would enable us to gain early order discount by pre-season purchases and insure that the proper pesticides are available in correct quantity when they are needed.

Property rights of pesticide manufacturers must be protected. FIFRA must insure that the chemical industry will have the incentive to research and produce additional new pesticides for agricultural use. We feel that the Environmental Protection Agency should meet certain requirements concerning pesticide issues. EPA should develop separate standards for federal registration of minor use pesticides. EPA can prepare an agricultural impact statement prior to the issue of any regulation. EPA should consider restricting use of a toxic pesticide rather than cancelling its registration. EPA's authority for enforcement against pesticide misuse should be limited. This authority should be transferred to the state so they may have primary responsibility for enforcement.

EPA's administrator should be authorized to register pesticides prior to the completion of final long-term studies. The EPA should have a sound scientific basis before initiating RPAR, Rebuttable Presumption Against Registration action, against the pesticide and should not be free to subject a pesticide to an expensive review process without scientific evidence. The EPA administrator should evaluate and publish costs and benefits versus environmental impact prior to the issuance of RPAR. The federal government should share equally with states in the cost of implementation of certification of applicator programs and state programs of enforcement of various provisions.

Fire ants are a problem in our area. We would like to encourage a Section 18 clearance for ferriamicide, an insecticide used to control fire ants. Ferriamicide degrades rapidly in the environment.

#### STATEMENT OF MR. GEORGE KAISER

I would like to express my thanks to you gentlemen for attending and hearing what we have to say. We appreciate your giving us this time. I am George Kaiser of Baldwin County. Together with my three sons, we operate farms in which we produce cattle, soybeans, corn, some small grains and pecans. Cattle is the major part of our operation. We maintain a 700 head herd of brood cows all of whose offsprings we attempt to finish out in our feedlot. So we are familiar with cattle production problems from start to finish. The importance of the beef industry to both the consumer and the producer is, I believe, recognized by all of us. According to the latest available figures, over 19 percent of Alabama farm income is from beef cattle. The beef cattle industry has been depressed for quite some time as I'm sure all of you know.

The cost price squeeze is not new to us. The reduction in cattle numbers due to the many adversities including the ever increasing production costs, depressed prices, drought and insect problems has improved our price situation somewhat. We hope this is not a temporary situation. We believe that the beef cattle industry should remain free and continue to be governed by the laws

of supply and demand in a free enterprise environment. However, we cannot accept the theory that agricultural producers are charged solely with the responsibility of providing cheap food for the world's hungry. We believe the concern should be equal to everyone whether he be in agriculture, industry or government. We are all citizens of the United States. Export or import policies should not be slanted for the benefit of some of us and to the detriment of others. Foreign trade is vital to all and production of agricultural products for export should be encouraged to offset the unfavorable balance of trade which is encountered by our heavy imports of oil.

Please accept our appreciation for all of your efforts in our behalf. We certainly hope that they will be for the benefit of all of us. Again, I say thank you.

#### STATEMENT OF MR. PHILIP MARTIN

Thank you so much. It's indeed a privilege for me to be here among friends. I feel that the Secretary, who is a farmer, is certainly our friend. Our senators and representatives who are represented today are indeed our friends.

As a farmer in Coffee County who grows peanuts and also operates a dairy and grows corn, I have the same problems that all other farmers in Alabama and the nation have. I would like to speak particularly in reference to the problems we have with labor.

All farmers today who are here are members of our Farm Bureau back in Alabama and have chosen to join in this group voluntarily. They believe by doing this they can work together to improve farming and their livelihood for themselves and provide an abundance of food and fiber for the American consumer and for agricultural customers abroad. One of the several inputs necessary for farm production is labor. We as farmers have little cost control over labor. The recent enactment of increased social security legislation and minimum wage increases, further adds to our labor costs. We farmers still have little assurance of what prices we will receive come harvest time. We strongly oppose legislation to rewrite the National Labor Relations Act which is contained in Senate Bill 1883. The sponsor likes to call it the Labor Reform Act. It would provide unions with built-in advantages and guarantees making employers all but powerless to resist unionization.

At a local level, we have seen a conservative trend which makes it difficult for unions to organize. We know that organized labor's goal with this attempt is to revise the National Labor Relations Act providing for the unionization of the South and other areas of our country that have the right-to-work law. If enacted into law, this Senate Bill 1883 would add two politically appointed members to the present 5 member National Labor Relations Board, by the Administration which is committed to its passage. We as farmers have evertightening cost squeeze to contend with in our farming operation. Now, for the first time in our nation's history labor gets more of the consumer's food dollar than does the farmer. We have seen that since 1960 the labor costs have increased almost 300%. We sincerely appreciate the efforts of our Alabama Congressional Delegation in opposing the passage of the National Labor Relations Act which was House of Representatives Bill 8410. Even though it did pass by a substantial margin in the House, we certainly urge and request that our Senators work for the defeat of this bill.

Thank you very much.

#### STATEMENT OF MR. CURTIS McLELLAN

My name is Curtis McLellan and I'm from Lamar County, Alabama. I'm a farmer by choice not by chance. My

primary goal in American agriculture is to provide a decent, economic level of living for me and my family. Those that are secondary to that primary goal are 1) to help produce food and fiber for American people and for those in foreign countries 2) to enjoy what I believe is the best life on this earth and the first occupation known to man, agriculture 3) to continue to be a part of the greatest system of agriculture ever known to man, American agriculture.

These goals are becoming increasingly harder to obtain and almost impossible to maintain. American agriculture is in a very depressed condition. American agriculture is sick and is in dire need of diagnosing. But what are the problems? For the last three years, those of us in our area have blamed our problems upon what? We blamed our problems upon insects. We blamed our problems upon bad management, lack of research, lack of technology and on and on. You all know what we place the blame on. But regardless of the reason, we all said that we cannot continue to farm under the present set of circumstances, regardless of the reason we gave them. How many of you have said in the last three years, if we have one bad crop, it's going to destroy us. All it will take is one bad crop. But then every spring, we're led to believe that things are going to get better—the future is brighter around the corner and everything is going to be all right. But, in fact, this year, there looks as if there is very little hope around the corner. I finally decided to see exactly where my problem lies. We've reached a point where we've said, "I don't know" for so long. We're much like the man, the paratrooper, who was about to parachute out of an airplane. He was so afraid he couldn't jump and finally the captain pushed him out the door and the captain hollered out at him, "Now, all you got to do is count to 10, pull the rip cord, that thing will open, you float on down to the ground and there will be a truck down there waiting on you to pick you up and take you back to the base." The ole boy was scared to death. He started counting—he counted to 10, he pulled the rip cord and nothin' happened. The thing didn't open. As he passed the other men floating on down to the ground, he hollered back at them and said, "Yea, I betcha there ain't no truck waiting on us down there either." To find out what my problem was, I've prepared this little chart. It's a simple little chart, but it tells us that the problem in farming is a problem with the home-maker, it's a problem with the businessman, it's a problem with everybody that's trying to earn a decent living in this country.

In 1972 for 5-10-15 fertilizer, the same fertilizer that our President used as an example, cost me \$48.55 a ton. In 1977 that fertilizer in bulk which is supposedly cheaper cost \$89.25 a ton, which is an 84% increase. Triple 13 fertilizer cost \$62.80 a ton. In 1977 it cost \$120.00 a ton or a 91% increase. 5-20-20 fertilizer, like most of us use on our beans, cost \$68.00 a ton. In 1977 it cost \$135.00 a ton. On May 4, 1972 I bought 2 tons of fertilizer for \$136.00. In 1977 I paid \$135.00 for 1 ton. That is a 98.5% increase. Ammonia Nitrate in 1972, for side dressing cotton, I paid \$62.00 a ton for it. In 1977 I paid \$145.00 a ton, which is 2.34 times or a 134% increase. This next one really amazes me. For my planting cotton (seed), I paid \$180.00 a ton in 1972. Because I thought my problems were in bad seed, bad weather or what not in 1977, I bought the very best seed that I could find. I paid \$648.00 a ton, which is a 260% increase. A boy later told me he paid over \$700 for his for the very same reason. For bean seed, I paid \$5.10 a bushel. In 1977 I paid from \$11-\$18 a bushel—an average of \$13 a bushel or a 154% increase. The best buy in agriculture today is Treflan. For Treflan, I paid \$98.00 for 5 gallons. In 1977 I paid \$112.00 for 5 gallons, only a 14% increase.

Corotan—\$3.20–\$4.40, 37½% increase. Temik—\$.96 a lb. to \$1.75 a lb., a 82% increase. Anzar 529—this one amazes me and everyone of these things that are connected anyway whatsoever with oil or energy are the ones that have increased so drastically. Anzar 529 in 1972 was \$2.75 a gallon. This year we paid \$7.50 a gallon for it, a 172% increase.

Coke, we all like Coke where I come from. In 1972 a Coke cost 15c each. They are not as high as they are in Washington but they are high at home. In 1977 a Coke cost us 25c each. Of course I put this small item in here to show that we, as farmers, buy the same products. We buy the same goods as all consumers. This is a 67% increase. The average increase of these items is 112.3%. In 1972 I sold my cotton at 45c per lb. A 500 lb. bale brought me \$225 before expenses were taken out. In 1977, if I had sold my cotton on December 2, 1977, I would have received 46.2c per lb., which is a 2.6% increase. For my beans in 1972, I received \$3.40 per bushel. In 1977, if I had sold them on December 2, 1977, I would have received \$5.47 per bushel, which is a 61% increase. To me, this chart tells me why the American farmer is in trouble.

The American farmer is in trouble for the same reason that the housewife is in trouble. The American farmer is in trouble for the same reason that the service station man is in trouble. We are all in trouble because of inflation. But what are the answers to the problems? In my simple way, I see this problem can be answered in two or three different ways. The farmers of this country can unite and cut production in half, which theoretically would double the price of our products, creating economic problems that I don't believe that we, as farmers, can even imagine. Another thing that we can do to be in control is to completely shut down. This would create economic chaos in my estimation in this country. A workable solution though is one that I believe will work. Of course I am speaking for cotton and soybeans. I believe that if the loan level on all commodities was based on production costs, including, of course, the cost of management (which is a reasonable cost of production), with government-controlled acres that this problem which worked for many years will work again. It worked to the best interest of farmers, consumers and a healthy economy of our country for many years. This program would enable the American farmer to continue to insure that the American people are the best fed, cheapest fed, best clothed, cheapest clothed nation on earth.

In closing, I would like to leave with you this one thought. This problem is a vital concern to the American people and to the continued progress of this nation. Farming is the backbone of this nation and the backbone is either broken or is badly bent. A fact could be shown to eliminate this fact. Agriculture is at the foot of the crop of this nation for the past 200 years. In the 1700's, Adam Smith, the father of modern economics, predicted that the day would come when one farmer would produce enough food and fiber for two people thereby leaving that other individual free to produce goods and services for both. He was ridiculed and scorned for such a rash prediction. Today, through efficiency, toll and sweat, the American farmer produces enough food and fiber for 55–57 people. I firmly believe that the strides we see in medicine, education, space exploration and humanity is because of this great feat of the American farmer. Is he not important? Thank you.

#### STATEMENT OF MR. JAMES EARL MORLEY

My name is James Earl Mobley, Vice President Alabama Farm Bureau; President Alabama Peanut Producers Association; Peanut grower from Henry County, Alabama.

#### ECONOMIC IMPORTANCE

The economic importance of peanuts to our state is tremendous. In 1977 we grew 210,000 acres of peanuts with an average yield of 2,750 pounds per acre. The gross value of this peanut crop was 125 million dollars. There are approximately 8 to 10 thousand peanut growers in Alabama. These are mainly small family type farms. Peanuts keep these people on the farms, out of our cities, and off our welfare rolls.

#### COST OF PRODUCTION

Including all production costs except land rent, it takes about \$275 to \$285 to produce an acre of peanuts. This is out of pocket expense by the peanut farmer and must be paid even if he has a crop failure. Each dollar spent on production generates \$4 to \$5 in the economy as it is spent in the agricultural community. On 210,000 acres of peanuts we spend approximately 60 million dollars on production. This generates 300 million dollars into the agricultural economy of our area.

#### SOLUTION

Recently we have been asked for some recommendations on support level for additional peanuts. We recommend a loan for additional peanuts at not less than \$300 per ton. We recommend that farmers be encouraged to use area marketing associations. We think this will ensure orderly marketing. We believe additional peanuts should be used for market development.

#### CONCLUSION

We support the efforts of growers and the USDA to develop expanded export markets for peanuts. The demand for all types of protein is at an all time high in both domestic and world markets. Peanuts are a valuable source of protein. By exporting additional peanuts, we not only provide for the protein needs of the developing or third world nations, but we also contribute to the U.S. economy by improving our balance of trade positions.

#### STATEMENT OF MR. DAVID MOORE

##### ESTATE TAXES

The Tax Reform Act of 1976 has been said to be the most comprehensive, complex, and massive overhaul of our tax system that has ever been attempted by Congress. It affects every taxpayer. The Act contains some changes that can benefit the family farm. For example, a more valuable tax credit of \$30,000 now replaces the specific estate tax exemption of \$60,000. The marital deduction has been increased from half of the adjusted gross estate to the larger of \$250,000, or half the estate. The new law also permits a longer installment schedule for payment of estate taxes.

While these changes are helpful, the family farm still faces estate tax problems which could terminate its operation by future generations. One advantage of the bill is that if certain conditions are met, real property used for farming may be valued on the basis of its use, instead of, as has been the case, on the basis of its "highest and best" use. However, to take advantage of this change in farm property evaluation and the installment payment plan for estate taxes depends, in part, on family members continuing to operate the farm without disruption. The bill has a tax "recapturing" clause in it which if part or all of the farm must be sold within 15 years of estate settlement in order to meet expenses, or other purposes, the IRS may recapture the estate taxes immediately which were avoided by the "special valuation."

This seems to be what I would term a speculative tax based primarily upon inflation. What right does government have to "recapture" taxes following estate settlements? It seems this could go on for years. Where is

the fairness in this? What happens if the value of the land goes down 50% and the heir is forced to sell? The new law certainly doesn't propose any refund in this case. It seems only fair to simplify estate settlements and let them be just that—a settlement.

In addition, if the farm is sold by the heirs at a later date, they may face high capital gains taxes due to the new carryover basis in the law. The stepped-up date-of-death basis for assets received from an estate is out. Basically from 1977 on, it will be the decedent's cost or the fair market value of the assets on December 31, 1976, if he bought it before that date. Obviously, with our present rate of inflation around 7%, the further away from 1976 one gets, the more capital gains he will have to pay when he sells.

All estate tax returns require that an appraisal of properties be made to determine its fair market value. Estate taxes are paid at this time based on the valuation. It seems the simplest method is to accept this valuation as a basis for future capital gains taxes.

The new law would, not only require an executor, say in 1984, to have an appraisal to determine the land value at the decedent's time of death, which is a difficult enough task at any time, but it will also require him to inform all the heirs of the value of the property on December 31, 1976. This new carryover basis for capital gains calculations would be based on a very arbitrary, retroactive appraised value.

The basis of inherited property may not be stepped-up under the new law to fair market value with respect to appreciation after 1976.

In his State-of-the-Union message, President Carter said the tax system must be made fairer and simpler. It seems to me the recapture of estate taxes and carryover basis of property rules do not coincide with these goals.

#### STATEMENT OF MR. J. C. RANDOLPH

##### AGRICULTURAL CREDIT

We believe the following changes should be made in F.H.A. to enable it to better meet the credit needs of young farmers and others whose farming unit is too small to be an economical operation.

1. Revise the definition of family farm: The present definition of family farm requires the farming unit to be too small.
2. Increase the amount of operating loans available through F.H.A. by at least \$50,000. (Increase to at least \$100,000.)
3. Presently F.H.A. will not loan to a partnership. This should be changed because it discourages young farmers from pooling their resources and labor so that they can have a more economical unit.
4. Increase real estate loan limits to at least \$200,000 and do not require all loans to be participation loans.

##### AGRICULTURAL CREDIT—GENERAL

Due to the extremely high cost in recent years of all agricultural inputs and the low prices received for most farm products in the most recent marketing period, coupled with surplus supplies and loan and target prices so low as to be below cost of production for most farmers; it is next to impossible to submit to any lending agency, when applying for a production or any other farm loan, a cash flow statement showing the ability to repay the requested loan from the sale of farm products. Therefore, it stands to reason that an increase in the prices received for farm products would do more to help the farm credit problem than all other remedies combined. After all, who in his right mind wants to increase the mortgage on his farm to obtain a loan he can't repay from the sale of products produced



with said loan? Who is willing to loan money to anyone when it is apparent that the loan can't be repaid?

Somewhere in the United States every year, farmers suffer a crop disaster caused by drought or flood and sometimes both. There is no way to tell when or where and to what extent. The present disaster program by itself simply is not adequate to prevent economic disaster to the affected farmers. Economic disaster loans need to be easier to obtain and must be adequately funded.

Crop insurance, coupled with the disaster program payment that would allow farmers to recover most of their cash operating expenses, would save many farmers from financial ruin. It would also greatly reduce the amount of money needed for economic disaster loans. Low interest loans are still loans and must be repaid.

We recommend that the present disaster program be continued, and that crop insurance, which covers two-thirds of 90% of normal or projected yield, as established by local A.S.C.S. offices, be made available to farmers.

Recommended insurance rate: 6% of crop value covered (at target price value). A 90% or better crop would receive no insurance payment because it would not be covered.

**\*\*Example: cotton—500 lb. yield:**  
 $500 \times 90\% = 450 \text{ lbs.} \times \frac{2}{3} = 300 \text{ lbs.} \times .60 = \$180 \text{ (value)} \times 6\% = 10.80 \text{ insurance premium per acre.}$

**\*\*See attached examples on cotton and corn, pages 4 & 5, 6 & 7.**

If a farmer desired insurance on his crop, he would make his premium payment to the A.S.C.S. office on or before the final certifying date. The same rules used to determine eligibility for disaster payment would be used except for percentages. This insurance program would be farmer-financed, A.S.C.S. administered, and government underwritten.

Any farmer who did not wish insurance would still be covered by the disaster program as it now applies.

If a crop is eligible for insurance or disaster payment or both, the A.S.C.S. would adjust his yield, for the year involved, to 90% of his normal yield at the beginning of the year in which low yield occurred.

We propose that the average price received by farmers for cotton in the last five months of the year in which the crop is grown be used to determine the average price for cotton. This is the normal marketing period for cotton and would be more in line with the method used on other crops.

Cotton: .60 target price; 500 lb. projected yield.

In this example, the target price will be used as the price received for crop produced and sold.

<b>Insured crop, 50-percent yield:</b>	
Sales (250 lb $\times$ 0.60).....	\$150.00
Disaster payment (125 lb $\times$ 0.20).....	25.00
Insurance payment (200 lb $\times$ 0.40).....	80.00
Total.....	255.00
Less insurance premium.....	-10.80
Total.....	244.20

<b>Noninsured crop, 50-percent yield:</b>	
Sales (250 lb $\times$ 0.60).....	150.00
Disaster payment (125 lb $\times$ 0.20).....	25.00
Total (\$69.20 more with insurance).....	175.00

<b>Insured crop, 60-percent yield:</b>	
Sales (300 lb $\times$ 0.60).....	180.00
Disaster payment (75 lb $\times$ 0.20).....	15.00
Insurance payment (150 lb $\times$ 0.40).....	60.00
Total.....	255.00
Less insurance premium.....	-10.80
Total.....	244.20

<b>Noninsured crop, 60-percent yield:</b>	
Sales (300 lb $\times$ 0.60).....	180.00
Disaster payment.....	15.00
Total (\$49.20 more with insurance).....	195.00

<b>Insured crop, 70-percent yield:</b>	
Sales (350 lb $\times$ 0.60).....	210.00
Disaster payment (25 lb $\times$ 0.20).....	5.00
Insurance payment (100 lb $\times$ 0.40).....	40.00
Total.....	255.00
Less insurance premium.....	-10.80
Total.....	244.20

<b>Noninsured crop, 70 percent yield:</b>	
Sales (350 lb $\times$ 0.60).....	210.00
Disaster payment.....	5.00
Total (\$29.20 more with insurance).....	215.00

<b>Insured crop, 80-percent yield:</b>	
Sales (400 lb $\times$ 0.60).....	240.00
Disaster payment.....	None
Insurance payment (50 lb $\times$ 0.40).....	20.00
Total.....	260.00
Less insurance premium.....	-10.80
Total.....	249.20

<b>Noninsured crop, 80-percent yield:</b>	
Sales (400 lb $\times$ 0.60).....	240.00
Disaster payment.....	None
Total (\$9.20 more with insurance).....	240.00

<b>Insured crop, 85-percent yield:</b>	
Sales (425 lb $\times$ 0.60).....	255.00
Disaster payment.....	None
Insurance payment (25 lb $\times$ 0.40).....	10.00
Total.....	265.00
Less insurance premium.....	-10.80
Total.....	254.20

<b>Noninsured crop, 85-percent yield:</b>	
Sales (425 lb $\times$ 0.60).....	255.00
Disaster payment.....	None
Total (\$0.80 less with insurance).....	255.00

**Corn Example: Target price \$2.40 per bushel. 100 bu. yield 100 bu.  $\times$  90% = 90 bu.  $\times \frac{2}{3} = 60 \text{ bu.} \times 2.40 = \$144.00 \text{ (value)} \times 6\% = \$8.64 \text{ insurance premium per acre.}$**

<b>Insured crop, 50-percent yield:</b>	
Sales (50 bu $\times$ 2.40).....	\$120.00
Disaster payment (10 bu $\times$ 1.20).....	12.00
Insurance payment (40 bu $\times$ 1.60).....	64.00
Total.....	196.00
Less insurance premium.....	-8.64
Total.....	187.36

<b>Noninsured crop, 50-percent yield:</b>	
Sales (50 bu $\times$ 2.40).....	120.00
Disaster payment (10 bu $\times$ 1.20).....	12.00
Total (\$55.36 more with insurance).....	132.00

<b>Insured crop, 60-percent yield:</b>	
Sales (60 bu $\times$ 2.40).....	144.00
Disaster payment.....	None
Insurance payment (30 bu $\times$ 1.60).....	48.00
Total.....	192.00
Less insurance premium.....	-8.64
Total.....	183.36

<b>Noninsured crop, 60-percent yield:</b>	
Sales (60 bu $\times$ 2.40).....	144.00
Disaster payment.....	None
Total (\$39.36 more with insurance).....	144.00

<b>Insured crop, 70 percent yield:</b>	
Sales (70 bu $\times$ 2.40).....	168.00
Disaster payment.....	None
Insurance payment (20 bu $\times$ 1.60).....	32.00
Total.....	200.00
Less insurance premium.....	-8.64
Total.....	191.36

<b>Noninsured crop, 70-percent yield:</b>	
Sales (70 bu $\times$ 2.40).....	168.00
Disaster payment.....	None
Total (\$23.36 more with insurance).....	168.00

<b>Insured crop, 80-percent yield:</b>	
Sales (80 bu $\times$ 2.40).....	192.00
Disaster payment.....	None
Insurance payment (10 bu $\times$ 1.60).....	16.00
Total.....	208.00
Less insurance premium.....	-8.64
Total.....	199.36

<b>Noninsured crop, 80-percent yield:</b>	
Sales (80 bu $\times$ 2.40).....	192.00
Disaster payment.....	None
Total (\$7.36 more with insurance).....	192.00

<b>Insured crop, 85 percent yield:</b>	
Sales (85 bu $\times$ 2.40).....	204.00
Disaster payment.....	None
Insurance payment (5 bu $\times$ 1.60).....	8.00
Total.....	212.00
Less insurance premium.....	-8.64
Total.....	203.36

<b>Noninsured crop, 85 percent payment yield:</b>	
Sales (85 bu $\times$ 2.40).....	204.00
Disaster payment.....	None
Total (\$0.64 less with insurance).....	204.00

Mr. ALLEN. I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, what is the time set for the convening of the Senate on tomorrow under the previous order?

The ACTING PRESIDENT pro tempore. 9:15 a.m.

#### ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the prayer, Mr. PERCY be recognized, as in legislative session, for not to exceed 15 minutes, preceding the two orders for recognition of Senators made some time ago.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Routine morning business transacted and additional statements submitted are printed later in today's RECORD.)

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

# TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of Executive N, 95th Congress, 1st session, which the clerk will report.

The assistant legislative clerk read as follows:

Executive N, 95th Congress, 1st Session, treaty concerning the permanent neutrality and operation of the Panama Canal.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized.

Mr. ALLEN. Mr. President, I thank the Chair for recognizing me at this time, and I thank the distinguished majority leader (Mr. ROBERT C. BYRD) for arranging last week that I might be recognized first when the treaties were to be laid before the Senate today. I appreciate, too, the attitude of the joint leadership (Mr. ROBERT C. BYRD and Mr. BAKER) in recognizing that this is one of the most important issues to come before the U.S. Senate in recent years, and that it is entitled to full debate and the opportunity to offer constructive substantive amendments to the treaties.

My opposition to approval by the Senate—that is, that the Senate give its advice and consent to the ratification of the treaties—is not a position as I have come to only recently, in recent weeks or in recent months. Each month since I have come to the U.S. Senate I have sent back to the people of Alabama a report of my position on the issues, my vote, my stand, and my activities in the U.S. Senate. I find, looking back, that in my newsletter of October 1971 I stated my position on the Panama Canal Treaty, thinking at that time it would be one treaty embodying all of the provisions agreed upon by the negotiators. The position that I arrived at in October 1971, some 5 years before Governor Reagan discovered this issue, was a position in opposition to the Panama Canal Treaty, that is, a treaty which would give the Panama Canal to Panama, I worded my statement at that time as follows:

## "NO" ON GIVING UP PANAMA CANAL

The Nixon Administration is currently negotiating with the Republic of Panama for a new treaty respecting the operation, management and defense of the Panama Canal. The proposed new treaty would replace the present treaty which has been in effect since 1903. Under consideration are proposals to surrender sovereignty over the Canal to Panama, raise transit tolls, subject the Canal facility to joint defense, management and control, and eventually give up Panama both the existing Canal and any new one constructed in Panama at the expense of our taxpayers. Panama is holding out for a provision that would remove U.S. defensive forces. It has long been a Soviet aim to wrest control of the Panama Canal from us. With Cuba, Bolivia, Peru, and now Chile, already dominated by Communist power, the rest of Latin America could then soon be under Soviet control. Surrender of United States sovereignty over the Panama Canal will be vigorously opposed by me.

Mr. President, I could write the very same statement of my position today as I

had back in October 1971 by merely striking out "Chile" and the words "Nixon administration" and substituting in lieu thereof the words "Carter administration." Just as I opposed the treaties which were being negotiated under President Nixon, so do I now oppose the treaties which have been negotiated under President Carter.

Mr. President, the President of the United States sent the two treaties to the Senate last year during the 1st session of the 95th Congress. He sent up, quite naturally and quite logically, the Panama Canal Treaty first in executive N, so-called, followed second by the neutrality treaty, also part of executive N. That, of course, would be a logical and sensible order in which to submit the treaties, because the Panama Canal Treaty provides for a transfer of the canal to Panama, and the circumstances under which the canal will be so transferred. The other treaty, the Neutrality Treaty, in practical effect provides for the defense of the canal starting with the year 2000.

So why, Mr. President, should the Senate be considering the matter of the neutrality of the canal starting with the next century without first deciding whether we are going to give the canal away?

Mr. ROBERT C. BYRD. Mr. President, will the Senator permit me to answer that question?

Mr. ALLEN. The distinguished Senator has been so gracious in yielding to other Senators that, whereas I would like to be able to complete my remarks, I will certainly not refuse to yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, the Senator is very kind to yield, and I apologize for interrupting him at this point. May I just state that it was the viewpoint of the leadership and the viewpoint of the committee in reporting the Neutrality Treaty first to the Senate that logically Senators should vote on that treaty before voting on the Panama Canal Treaty. The Panama Canal Treaty would relinquish U.S. control over the canal by the year 2000, and the leadership recognizes that most Senators would not want to vote on the treaty relinquishing control of the canal in the year 2000 without first establishing, beyond any doubt whatsoever, the right of the United States to guarantee access to and use of that canal after the year 2000 in perpetuity, and also to establish the fact beyond any semblance of doubt that U.S. war vessels, in times of need or emergency, would go to the head of the line.

As I look at this question as an individual Senator, I personally would want to know what is going to happen after the year 2000 before I vote on a treaty relinquishing U.S. control by the year 2000. That was the logic of the committee and the leadership's position, may I say to my good friend from Alabama.

Mr. ALLEN. I thank the distinguished majority leader for his attempt to justify the consideration, first, of the Neutrality Treaty rather than the Panama Canal Treaty. The distinguished Senator knows, of course, that if we were considering the Panama Canal Treaty, it would be quite easy to add an amendment that the treaty, even though approved, would

not go into effect until the Neutrality Treaty had been agreed to.

At the latest count, this amendment has some 78 cosponsors, the Senator now speaking being one of them. Even if we did not put in a saving clause, this Canal Treaty, in practice, would not go into effect until the Neutrality Treaty is approved. We would be perfectly safe, even without a saving clause, in doing this because the 78 votes would be sufficient to approve the treaty. So if that is what he is worried about, it will protect him.

Also, I would like to call attention to the fact that article IV of the Panama Canal Treaty is just about as strong a provision for the defense of the canal as the so-called leadership amendment. A little bit later on, and I will not say just how soon, during the course of my remarks I will discuss the leadership amendment. It adds practically nothing to the concept of the United States having the right to defend the canal. I feel, in explanation to our distinguished majority leader, the distinguished Senator from West Virginia, that the Panama Canal Treaty should be considered first. I stated in the early days of the debate that at the appropriate time I would make a motion here in the Senate to proceed to the consideration of the Panama Canal Treaty. I feel this is a function, a proper function, of the leadership, to schedule the legislation or the executive business coming before the Senate in its proper order. There has been no objection to the leadership calling up the Panama Canal treaties at this time, but I do believe that the Senate itself should decide the order in which these treaties are to be considered. First things should be first. We should not put the cart before the horse. We should decide first whether it is going to be our national policy to surrender the Panama Canal to the Republic of Panama, and whether we shall give them hundreds of millions of dollars, if not in fact billions of dollars, for taking the canal off our hands.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. I yield to the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, the Senator in referring to that treaty implies it does not go into effect until the year 2000. As a matter of fact, the instrument of ratification of the Neutrality Treaty would be exchanged at the same time as the instrument ratification of the treaty concerning the Panama Canal. Both treaties would go into effect at the same time.

I would further say to the Senator that the Senate leadership has put before the Senate the Neutrality Treaty, and the Senate leadership has scheduled debate on that treaty which, under that proposal, would go into effect at the same time as the Panama Canal Treaty.

(Mr. MELCHER assumed the chair.)

Mr. ALLEN. Mr. President, I thank the distinguished majority leader. Of course, the treaty does go into effect at the same time as the Panama Canal Treaty, but the chief function that it would have, inasmuch as the United States until the



year 2000 is charged with the primary defense of the canal, is found in the fact that the Neutrality Treaty applies mainly to the time when all U.S. troops would be removed from the Canal Zone. That is the main thrust of the treaty, because under the Panama Canal Treaty the United States does have the primary responsibility of defending the canal.

Under the Panama Canal Treaty and the signed agreements which have been entered into, our number of bases there in the Canal Zone, designed to protect and defend the canal, immediately on the approval of the Panama Canal Treaty are cut from 14 down to 4. But then starting with the year 2000, unless an amendment I have prepared is agreed to, prior to the start of the next century, the United States is required to withdraw all of its troops from Panama. We will not have a single soldier there defending the canal starting with the year 2000.

If we are going to give the canal away and pull all of our soldiers out, we certainly need some sort of treaty which will give us some sort of rights after year 2000.

Later on I am going to point out how the so-called leadership amendment does not protect the vital interests of the United States in seeing that the canal is defended.

Mr. President, all of us have an interest in the Panama Canal, this great engineering feat, possibly the greatest of all times. There was, as I understand it, more cubic feet of dirt removed than the cubic footage in the pyramids. It was a great engineering accomplishment made by the genius of America after the French had failed in their attempt to build a canal.

People of some States possibly have a great interest in the canal because of special contributions made by the people of their particular State. I noted with great interest when the distinguished majority leader quoting from Mr. David McCullough's book, "The Path Between the Seas," He read of the very fine contribution made by the State of West Virginia in the construction of the canal. This is found in the RECORD of February 9, 1978.

Among the more fascinating facts about the Panama Canal, for example, is that all hardware for the lock gates—the lifting mechanisms for the stem valves, the special bearings, gears and struts in the gate machines, all 92 bull wheels—was made by a single manufacturer in Wheeling, West Virginia.

That was certainly a very fine contribution made by the people of West Virginia in the construction of the canal.

I wish I were able to point out some contribution made by the people of Alabama and the State of Alabama in the actual, physical construction of the canal. I am not able to do that, but I am able to point with pride to the contribution made by three great Alabamians in connection with the concept of the canal and the execution of the plans and the dreams from the Panama Canal.

Senator John T. Morgan, of Alabama, one of Alabama's great U.S. Senators, who served in the U.S. Senate from 1877 to 1907, was called, and properly, the

father of the Isthmian Canal. General—or doctor, if you will—William Crawford Gorgas was the doctor in charge of the medical facilities, the health programs, in Panama and in the Canal Zone. He is credited, and properly, with having wiped out yellow fever there, in the Canal Zone, which was one of the real causes of de Lesseps' inability and failure to complete the Panama Canal that he tried heroically to build.

The people thought that the fever came from the swamps, and that was the best medical opinion at the time. But Dr. William Crawford Gorgas of Alabama had the idea—it was not original with him, but it had been advanced, and he put into effect a plan to wipe out the mosquitoes in Panama—

Mr. PERCY. Mr. President, will the Senator yield?

Mr. ALLEN. A plan that did make a great contribution to the building of the canal.

In just one moment, I shall yield to the distinguished Senator.

Then Gen. William L. Sibert—he was later general and then, colonel—was Colonel Geothals' righthand man in the building of the Gatun locks. These great Alabamians made a great contribution to the building of the canal. I am certainly proud of the fact that Alabama, by the contribution of these three great leaders, possibly contributed more to the building of the canal than people of any other State, with the possible exception of New York State, which was the home of President Teddy Roosevelt.

Yes, I am now glad to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I appreciate that very much.

My distinguished colleague from Alabama, a few moments ago, mentioned the figure that I have had referred to me previously in Illinois in the last 8 days on a number of occasions, as I have discussed the Panama Canal Treaty from one end of my State to the other. I should like to accurately report that there are many people who are applauding the efforts of the distinguished Senator from Alabama to bring out many of these facts. Some of the concerns he has expressed are genuine concerns, that are shared by many of us, including citizens in Illinois.

One point that was raised with me, however, is, Why is it necessary for us to reduce our bases there up until the year 2000? The amendment that I cosponsored with the majority and minority leaders and other of our colleagues would still continue, after the year 2000, the right for this country unilaterally to intervene militarily, so long as we do not interfere with the internal affairs of Panama, any time the canal is endangered—that is clear. But why do we have to cut our number of bases down in the meantime so much?

The distinguished Senator from Alabama did mention the figure that we were cutting our bases, from 14 to 4. Will he permit me just 2 minutes to read a section here in the testimony of General McAuliffe, whom many of us met, as the U.S. commander in chief for the U.S. Sovereign Command? We happened to

fly back with him to Washington. We spent a great deal of time talking about this. He confirmed these facts.

He said in his testimony:

First, I wish to clarify the land areas available for defense purposes, since there has been considerable confusion about the number of military bases we now have in the Canal Zone, and those that will be available to the U.S. forces in the new treaty period. On several occasions, as an example, I have seen and heard statements to the effect that there are now 14 U.S. bases in the Zone, but that there will be only four left under the 1977 treaties. I know of no good foundation for either one of those figures—neither is correct. By actual count, there are 22 identifiable U.S. military reservations in the Canal Zone, most of them in active use, some inactive. However, they are administratively grouped in the Code of Federal Regulations into four; one per military service and one for my joint headquarters.

In my judgment, the number of bases is far less important than their adequacy to support of our forces and missions.

One can see from the two maps—

That he was demonstrating in committee at the time—

that the size of the base areas in red would be somewhat reduced under the new treaties. As the military commander, I can assure you that the reduction is not significant in terms of supporting U.S. forces and our mission accomplishment.

I talked to no one in our military establishments—Joint Chiefs of Staff or those in the Southern Command—who did not feel that, up until the year 2000, we have perfectly adequate facilities in Panama to protect, at any time, the Panama Canal against the kind of threat that we might possibly envision.

They always raised the question whether any degree of protection is available against a sabotage or terrorist activity, which can strike at almost any time, day or night, and which cannot always be guarded against. But so far as the major military threat against the base, I was assured when I came back, I want to tell my distinguished colleague from Alabama, that we are providing adequately in the bases. The four bases really do not constitute a cutdown from 22 or 14 to 4. It is simply a regrouping of them and is perfectly adequate for the defense of the canal.

Does my distinguished colleague have any different information that would lead him to believe that what we were told by the Joint Chiefs of Staff and the Southern Command was inaccurate?

Mr. ALLEN. I thank the distinguished Senator for his comments. One of the arguments, as I understand it, that is made by the proponents of the treaties is that the canal is indefensible. That being true, one would think that 14 bases—U.S. soldiers and marines in 14 bases could come nearer defending the canal than could American forces in four bases. But four is not the bottom line, because, under the side agreements that are made, that we do not have an opportunity even to vote on here in the Senate, according to the response of the distinguished Vice President (Mr. MONDALE) to my parliamentary inquiry—under the side agreements, every 2 years they consider whether they are going to

cut down from four with no right to come back in except with Panamanian approval. So it is possible that, long before 2000, we shall not have any bases there at all. If we do not need 22 bases there and just need 4, why have we kept them there all this while? This is something I cannot understand.

Obviously, it would be easier to defend now from 22 bases than from 4 bases.

The distinguished Senator has put his finger on the Achilles heel of the leadership amendment, the amendment that seeks to provide a defense of the canal after all of our forces have been withdrawn.

Is the amendment overlooks the fact—and the Senate or, as well, overlooked the fact—that all of our troops will have been withdrawn from Panama by the year 2000. So, when this Neutrality Treaty comes into full play, into full operation, we will not have any military presence there at all. It will all be gone.

If we think it is necessary to come in and defend the canal, we are going to have to come in as invaders. We are going to have to drop paratroopers.

The amendment that I am going to offer at the proper time—and right now, as I understand it, we are discussing the whole concept of the Panama Canal treaties and not necessarily discussing any particular article—will be an amendment to article I of the Neutrality Treaty, or the Panama Canal Treaty, depending on which one is before the Senate at that time, to add, in addition to what is already provided in article I, this proviso, that the military presence of the United States shall continue beyond December 31, 1999, if the President of the United States deems that it is necessary for the defense of the canal or for the maintenance of its neutrality, and so certifies to the Government of Panama prior to December 31, 1999.

Now, with that amendment we would have the military presence of the United States continue beyond the year 2000 if the President of the United States deems that it is necessary to do so prior to December 31, 1999, and so certifies to the Government of Panama, because without that amendment either as an amendment to article I or to the leadership amendment, so-called, without that amendment we are not going to have any soldiers in Panama come the year 2000. But with the amendment, our country has the option and the President of the United States has the option, acting on behalf of the people of the United States, to say that our military presence is needed in the Canal Zone to defend the canal or to maintain its neutrality.

The statement has been made that the last three or four Presidents have favored the Panama Canal treaties, and possibly they have. So I assume that the President of the United States, whoever he might be along about the year 1999, if he did not sincerely feel that it was necessary for us to maintain our military presence there in Panama, he would not deem it necessary and would not so certify to the Government of Panama.

But it does retain an option on behalf of the people of the United States, if our military presence is required there after

the year 2000. Thus, prior to the lapse of the Panama Canal Treaty which will, in effect, lapse by the year 2000, it retains in the United States the option of the President to say that our troops are needed here to defend the canal.

We do not know what the situation is going to be in the year 2000. Is there any prophet here who is able to say what the governmental status of Panama will be in the year 2000?

We do not know what it will be tomorrow, much less the year 2000.

Mr. CHURCH addressed the Chair.

Mr. ALLEN. Will the Senator wait until I complete my thought?

Panama might be a Cuban satellite, it might be a Soviet satellite. I think we can certainly expect Castro, just as soon as the ink is dry on the Presidential ratification of these treaties, if they are ratified, to tell us to get out of Guantanamo. I dare say he would have just about as good a right to ask us to get out of our naval base in Cuba as Panama has to tell us to get out of the Canal Zone.

So are we taking on ourselves the role of prophets under the leadership amendment, under the treaties, that we are going to have a stable government down there in Panama and that they are going to be our friends? That is what the treaties and the leadership amendment presuppose.

Mr. CHURCH. Will the Senator yield?

Mr. ALLEN. Yes, I am delighted to yield to the distinguished Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I thank the Senator from Alabama very much.

The point that he makes, that none of us can prophesy the future, of course, is self-evident.

I would point out to him, however, that the committee's recommended amendment go to the question of the security of the canal in the future, reserving to the United States the right to use its military forces to protect the canal against any threat that might be posed to it, whether external or internal.

If the Senate sees fit to adopt the recommended amendment, it seems to me that the vital interest the United States has in maintaining an open, neutral, safe waterway across the isthmus will be fully protected.

If, for example, at the end of the century a situation should exist in Panama as described by the able Senator from Alabama and the President perceived a threat to the canal, internal in character, then under the terms of the amendment it would be fully within the President's authority to use American military might to keep the canal safe and open.

Mr. ALLEN. Well, I am glad to hear the Senator say that, and I quote "it would be fully within the President's authority to retain troops for the purpose of keeping the canal safe and open" and, that being true, I am sure he will not object to agreeing to my amendment, if his amendment means that.

Mr. CHURCH. That being true, the Senator's amendment is superfluous and, therefore, unnecessary.

Mr. ALLEN. I thank the Senator for his admission that this is needed, this interpretation is needed; and why rely on

an interpretation that might not be the interpretation of Dictator Torrijos when we can put it in plain English language?

I do not know what the final result will be in the Spanish language.

Now, the distinguished Senator from New Mexico asked that I yield to him a moment ago. If he still wishes me to do so, I will, and then I will yield to the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. SCHMITT. The Senator from New Mexico appreciates the Senator's courtesy.

I just wanted to add my general concurrence and sympathy with the remarks of the Senator with respect to the so-called leadership amendment, having to do with the right of this country to intervene to protect the neutrality of the canal.

As a cosponsor of that leadership amendment, I should make clear that I am a cosponsor only because it slightly improves two treaties that are inherently bad, primarily because they are bilateral and it only requires one party to break such a treaty. I am not sponsoring those amendments with any great confidence that they would allow us, in fact, in a real situation, faced with the real fact, which the Senator from Alabama is pointing out to us this morning, to intervene militarily.

I greet with some interest the suggestion by the Senator from Alabama for a more specific amendment that would deal with the question of the ability to intervene, which is what I believe the Senator is getting to.

Mr. ALLEN. That is correct.

Mr. SCHMITT. I thank the Senator.

Mr. ALLEN. I might state, parenthetically, in response to the distinguished Senator from New Mexico (Mr. SCHMITT), that I, too, am a cosponsor of the so-called leadership amendment. I am a cosponsor on the same theory as the distinguished Senator from New Mexico—that it might just possibly improve the treaties. The improvement is very slight, indeed, but since such a furor has been made about the leadership amendment, that it solves all the ills of the treaty and from then on we will be fully protected—since that idea seems to be prevalent in some minds, I did not want to seem to be in opposition to that amendment.

Also, for the further reason, I say to the distinguished Senator from New Mexico, that being a cosponsor of the amendment allows me to point out its weaknesses, its defects, its failure to go far enough. I feel that, being a cosponsor of this amendment, I would have a perfect right to point out its shortcomings, which are many, and I am going to comment as soon as I yield to the distinguished Senator from Nebraska (Mr. CURTIS) for another short comment or two.

I now yield for a question to the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished friend.

Is it true that there has not been an election in Panama since 1968?

Mr. ALLEN. I believe that is correct.



There has not been one since Torrijos engineered what we might call a coup d'etat.

Mr. CURTIS. Can the Senator from Alabama say why they do not have an election?

Mr. ALLEN. Because they have a dictator there who does not like free elections, I say to the distinguished Senator from Nebraska.

Mr. CURTIS. Is there anything in the leadership amendment that would hold this treaty in abeyance until such time as the Panamanians are in charge of their own government?

Mr. ALLEN. No; I looked with great interest for such provision but was unable to find it.

I might say, further, that I talked to one of the Senators who went to Panama. I did not go this current round to Panama. But I will have to confess, however, that I did on one occasion visit Panama, at Government expense, back in 1943, in the U.S. Navy. Our ship moved from the Atlantic to the Pacific on the way to fight Japan, and I did travel the canal at that time. But that was prior to Mr. Torrijos' coup d'etat in Panama.

Mr. CURTIS. Is it the Senator's opinion that the adoption of the leadership amendment would cure the major objections to the treaty?

Mr. ALLEN. No. I am quite certain it would not. It is just a little tempest in a teapot. It amounts to practically nothing. But it has been built up as being a cure-all for the many defects of the treaty. It does not even touch the real defects, and certainly in the area that it addresses, it falls far short.

In line with the remarks of the distinguished Senator from Idaho (Mr. CHURCH) a moment ago, since that is the intent of the leadership amendment, that we should be able to keep forces there beyond the year 2000, I would like to get that fact written into the amendment they offer, so there can be no misunderstanding.

Mr. CURTIS. Is there a difference between an amendment that improves the treaty and an amendment that just makes it more palatable to Senators and the public generally?

Mr. ALLEN. Well, of course, the strategy, as I understand it, of the proponents, is that the original treaties, as entered into, signed by the President and Dictator Torrijos, created such an uproar and were so deficient in not providing for the rights of the United States to defend the canal, that the President and Torrijos entered into an unsigned memorandum to calm troubled waters.

Torrijos straight away placed a different interpretation on it from that which the distinguished Senator from Idaho seems to place on the leadership amendment, which is, of course, an amendment based on the memorandum.

The Senator knows that when Torrijos went back to Panama, after having agreed to this unsigned memorandum, he made the statement that he did not sign anything in Washington, that he did not even sign an autograph. He said that he would construe that memorandum, which is now the leadership amend-

ment, in effect, to mean that it did not give the United States the right to come down and defend the canal. It gave us the duty to do so when—to use his words originally in Spanish, I assume—when he pressed the button. That is the way Torrijos interprets the memorandum which, in effect, is now the leadership amendment.

So if Torrijos has one interpretation placed upon the language of the memorandum, which is now the leadership amendment, then I think we should spell it out, we should spell out that we can keep your military presence there if the President at that time—at the time of the complete pullout—feels that complete withdrawal would not permit us properly to defend the canal.

I feel this added amendment, this added power, should be spelled out, so that there will not be any doubt in Mr. Torrijos' mind about what the language means.

Mr. CURTIS. In reference to the Torrijos interpretation of what he signed here and what was agreed to, has that been made a matter of record before the Senate?

Mr. ALLEN. Made a matter of record where?

Mr. CURTIS. Made a matter of record so that it is now before the Senate in any of our documents.

Mr. ALLEN. Yes. Last year, I made 24 speeches on the floor of the Senate pointing out some of the defects in the treaty. In one of those speeches, I pointed it out. It is in the CONGRESSIONAL RECORD.

Mr. CURTIS. I thank the Senator.

Mr. GRIFFIN. Mr. President, will the Senator yield at that point?

Mr. ALLEN. The distinguished Senator from Idaho was on his feet first, and I will yield to the distinguished Senator from Michigan in just a moment.

Mr. CHURCH. I wonder whether the able Senator from Alabama will yield to me for the purpose of inserting in the RECORD the relevant language of the amendment, together with the committee's interpretation of the amendment.

Mr. ALLEN. I have no objection, provided I do not lose my right to the floor.

Mr. CHURCH. I thank the Senator from Alabama.

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

The material ordered to be printed in the RECORD is as follows:

**A. AMENDMENT INCORPORATING IN ARTICLE IV OF THE NEUTRALITY TREATY THE RIGHTS OF DEFENSE SET FORTH IN CARTER-TORRIJOS JOINT STATEMENT**

The Committee recommends that article IV of the Neutrality Treaty be amended by adding at the end thereof the following:

A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the respon-

sibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against peaceful transit of vessels through the Canal.

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

**STATEMENT OF INTENT**

The Committee's intent in recommending the adoption of these two amendments to the Neutrality Treaty is that the Carter-Torrijos Joint Statement of October 14, 1977, be made an integral part of the treaty with the same force and effect as those treaty provisions submitted to the Senate initially for its advice and consent.

The Committee had originally voted to include the Joint Statement in a single amendment which would have added as a new article IX to the treaty. Upon being advised by the State Department—contrary to previous advice—that this placement could require a new Panamanian plebiscite, the Committee voted to reconsider the proposed article IX and voted instead to recommend the addition of that same material, in two parts, to articles IV and VI. This did not represent a "flip-flop"; in each instance the substantive wording was identical to that of the Joint Statement, and each provision—whether placed in one article or in two—would have had precisely the same legal effect, being equally binding internationally. The difference is purely one of cosmetics. If a negligible change in form, with no change whatsoever in substance, could obviate the need for a new plebiscite—an eventuality which could complicate vastly the ratification process—then the Committee concluded that it would happily oblige.

The meaning of these amendments, which together constitute the entire Joint Statement, is plain. The first amendment relates to the right of the United States to defend the Canal. (It creates no automatic obligation to do so. See p. 74 of this report.) It allows the United States to introduce its armed forces into Panama whenever and however the Canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the Canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act if it deems proper against any threat to the Canal, internal or external, domestic or foreign, military or non-military. Those rights enter into force on the effective date of the treaty. They do not terminate.

The above-described rights are not affected by the second paragraph of the amendment, which provides that the United States has no "right of intervention . . . in the internal affairs of Panama", and which prohibits the United States from acting "against the territorial integrity or political independence of Panama." The Committee notes, first, that these provisions prohibit the United States from doing nothing that it is not already prohibited from doing under the United Nations Charter, which proscribes "the threat

or use of force against the territorial integrity or political independence of any state" (article 2(4)). The Committee never supposed that the United States, in entering into the Neutrality Treaty, intended to obtain powers that it had previously renounced. The Committee thus does not believe that the provision in question substantively alters existing United States commitments to Panama.

Second, the prohibitions set forth in the second paragraph do not derogate from the rights conferred in the first. The Joint Statement recognizes that the use of Panamanian territory might be required to defend the Canal. But that use would be for the sole purpose of defending the Canal—it would be purely incidental to the Canal's defense; it would be strictly a means to that end, rather than an end in itself; and it would not be carried out for the purpose of taking Panamanian territory. The concepts of the territorial integrity and political independence of Panama are, in short, an integral part of the treaty, so that action directed at preserving the regime of neutrality set forth in the treaty would never be directed against Panama's territorial integrity or political independence.

For these reasons, use of Panamanian territory to defend the Canal would clearly be permissible under the portion of the Joint Statement incorporated in Article IV. This is made clear in an opinion presented to the Committee by the Department of Justice (hearings, part 1, p. 332):

"A legitimate exercise of rights under the Neutrality Treaty by the United States would not, either in intent or in fact, be directed against the territorial integrity or political independence of Panama. No question of detaching territory from the sovereignty or jurisdiction of Panama would arise. Nor would the political independence of Panama be violated by measures calculated to uphold a commitment to the maintenance of the Canal's neutrality which Panama has freely assumed. A use of force in these circumstances would not be directed against the form or character or composition of the Government of Panama or any other aspect of its political independence; it would be solely directed and proportionately crafted to maintain the neutrality of the Canal."

Finally, even if a conflict were somehow to arise between the two paragraphs, because the United States has the right to act against "any... threat directed against the Canal", there is no question that the first would prevail. The rights conferred therein are stated in absolute terms and must therefore be construed as controlling.

Mr. ALLEN. Does the Senator wish to ask a question predicated upon that insertion?

Mr. CHURCH. First, I would like to refer to the insertion, and then I may or may not have a question.

Mr. ALLEN. All right.

Mr. CHURCH. Mr. President, the language of this amendment speaks for itself.

Mr. ALLEN. I am yielding only for a question, because otherwise I would lose my right to the floor.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senator from Alabama not lose his right to the floor.

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

Mr. ALLEN. I yield for 3 minutes under those conditions.

Mr. CHURCH. I thank the Senator very much.

Mr. President, the actual language of

the amendment which would be written directly into the text of the treaties is based upon the language of the communiqué agreed upon by the two Presidents. The language speaks for itself, and it is as follows:

The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality and consequently shall have the right to act against aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

If the Senate adopts this amendment that language will be written directly into the text of the treaty.

Furthermore, the Panamanian Government will have to sign off on the amended treaty at the time the instrument of ratification is filed. As a result, there will be no question that the United States has the right to intervene militarily in the event the canal is ever threatened.

This is what the Committee on Foreign Relations has to say about that language:

It allows the United States to introduce its Armed Forces into Panama whenever and however the canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act as it deems proper against any threat to the canal, internal or external, domestic or foreign, military or nonmilitary. Those rights enter into force on the effective date of the treaty and they do not terminate.

With all respect for the amendment to be offered by the Senator from Alabama, I do not see how language different from the amendment recommended to the Senate in the committee report could make more explicit or more definite the rights reserved to the United States. And the committee language, of course, is the same language that has been incorporated into the amendment introduced by Senators BYRD and BAKER, the majority and minority leaders, respectively. It conforms to the language of the communiqué agreed upon by both Presidents, and it would be riveted into the treaty.

I just think that unless the Senator can show me some way to improve upon that language his amendment is totally unnecessary and superfluous.

Mr. ALLEN. Mr. President, I thank the distinguished Senator. I will point out to him that what the Foreign Relations Committee says this means is not binding upon Dictator Torrijos who says it means something entirely different, and I will point out again to the distinguished Senator from Idaho—I sought to do so a moment ago—that his amendment overlooks the fact that these rights given to the United States subsequent to the year 2000 are rights given after all of our troops have been withdrawn. It is

a right to invade Panama. They would give us that right but rob us of the means because by that time all of our troops will have been withdrawn from the canal and any of our intervention will be in the nature of an invasion of Panama.

Further, the leadership amendment has been offered herein for the Record by the distinguished Senator from Idaho, but he did not read out loud the last paragraph of the amendment which says that in no event will these rights under the leadership amendment be construed to authorize the United States to interfere with the internal affairs of Panama. Panama might be the very entity that is seeking to keep us from using the canal. Panama might be under the control of Castro or some like dictator, and they will be the ones who are preventing us from using the canal. But yet we could not interfere with the internal affairs of the canal under the treaty.

So certainly if we invaded the country that would be interfering with the internal affairs of Panama.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ALLEN. Yes. I yield at this time to the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I thank the Senator from Alabama.

Mr. President, I ask unanimous consent that I may be recognized for 3 minutes without the Senator from Alabama losing his right to the floor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none.

The Senator from Michigan (Mr. GRIFFIN) is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, I commend the Senator from Alabama. Although he is a cosponsor of the so-called leadership amendment, he is pointing out some of its serious shortcomings. He is absolutely right, and I am not going to support the so-called leadership amendment for some reasons that I would like to talk about.

First of all, I will not support it because the representatives of the two countries, the United States and Panama, do not agree on what it means.

Mr. ALLEN. That is correct.

Mr. GRIFFIN. Second, because our interpretation would constitute a substantive change in the treaty, I feel very strongly that such a substantive change should be submitted to approval by the people of Panama. I have no confidence that, even if Mr. Torrijos personally agrees to something that we do, we can have any assurance that in the years down the road we are going to have a meaningful agreement with Panama.

And does the Senator from Alabama know—as a member of the Foreign Relations Committee, I, of course, am familiar with the exercise that went on, and I think it is important at this particular point in the debate to call attention to it—but is he aware of the fact that the so-called leadership amendment at one stage in the deliberations of the Committee on Foreign Relations was to be adopted as a new article of the Neutrality Treaty? Indeed, it had been approved



by a vote of the committee. Then, however, we received word from the State Department overnight that Mr. Torrijos would consider that, if we were to leave it as a separate amendment to the treaty, it would have to be submitted to the people of Panama in a plebiscite for approval; but if we divided the amendment in two, and tacked one part of it on one article and tacked another part of it on another article, then he was not going to submit it to the people of Panama for their approval—despite the fact that the words were exactly the same. How ridiculous can we get?

As a result of that, the Committee on Foreign Relations did a flip-flop and reconsidered their adoption of the leadership amendment which is, in effect, almost word-for-word the so-called Torrijos-Carter understanding, of October 14. They did a flip-flop. They struck out the amendment as it was adopted and divided the language up, putting one part of it on one article and one part of it on another, in order that it would not be submitted to the people of Panama for a plebiscite.

As far as I am concerned that is a major reason why I would not vote for the amendment—because we have notice in advance that it will not be submitted to the people of Panama for approval.

Now, then, I would like to say a word in response to the inquiry of the Senator from Nebraska about whether or not these differences of interpretation are in the record. I would like, if I might, to direct him and others who are interested to that portion of my statement of minority views which begins on page 183 of the committee's report. You will find there a rather lengthy documentation of the conflicting interpretation by spokesmen for the two governments.

Let me just focus, for example, upon a statement made by the chief Panamanian negotiator, Dr. Romulo Escobar. He said that—

The neutrality pact does not provide that the United States will say when neutrality is violated. That is not provided there. There is an article which reads that Panama and the United States will maintain the neutrality pact with the purpose that the canal remain open peacefully for all ships of all flags of the world.

That is all it says. It does not say it falls to the United States to decide when neutrality is violated or not.

(Mr. McGOVERN assumed the chair.)

Mr. GRIFFIN. Then, later, General Torrijos, after the Carter-Torrijos statement was released, went back to Panama and in a television address, just 3 days before the vote, said this:

... [I]f we are attacked by superior forces, the United States is obligated to come to our defense. ... [I]t is necessary for the United States to be committed to that when we ring the bell here, when we push the button, a bell rings over there, and the United States comes in defense of the Panama Canal. ... I repeat, we push the button, the bell rings, and the United States is obligated to come to our defense.

There are other statements which document the point, and I urge my colleagues to review them.

Let me, for example, point to what the Library of Congress says.

Following the Carter-Torrijos statement, a memorandum provided by the American Law Division of the Library of Congress reaches this conclusion:

... [T]he Carter-Torrijos statement, while guaranteeing each party the right to act against threats directed at the Canal, also specifies that the United States may not interfere with the internal affairs of Panama.

It is not altogether clear that the statement would permit the United States to intervene in the event that the aggression or threat should result from Panamanian action.

The Senator from Alabama is absolutely correct. There is little likelihood that the Panama Canal is going to be attacked by a foreign power, by the Soviet Union, for example—but there is much more likelihood and much more ground for concern that an operation within Panama, perhaps even by a future Panamanian Government, could pose a threat to the canal.

I have summarized these concerns in my minority views by saying this—and I underscore them now, and urge the advocates to respond to these two points in the debate:

On this record, it is painfully obvious that the United States and Panama have been in disagreement—and still disagree, despite the October 14 Carter-Torrijos "understanding"—on at least two major points:

"Our Administration tells the American people that the United States will have the right to defend the Canal after the year 2000 against any threat to its neutrality, including an internal threat from within Panama. But spokesmen for Panama assert that the United States will have such a right only if the Canal is threatened by a foreign power.

"Our Administration tells the American people that the U.S. can determine unilaterally when such a right to defend the Canal can be exercised. But Panamanian spokesmen insist that U.S. forces can come in only when requested or when the action is agreed to by Panama."

Now, despite the Carter-Torrijos understanding—the basic text of which is now likely to be written, in two parts, into the treaties on the recommendation of the Foreign Relations Committee—it is very obvious that we do not have true agreement on two essential points. It does not matter how many times the Committee on Foreign Relations repeats its own interpretation, or—with all due respect to him, because I do respect him—how many times the Senator from Idaho says what he thinks it means. Unilateral U.S. interpretations do not mean we have an agreement if the Panamanians do not agree with us that that is what it means.

I thank the Senator from Alabama for yielding.

Mr. ALLEN. I thank the distinguished Senator from Michigan (Mr. GRIFFIN) for his very pertinent comments, and I am delighted that he has pointed out the action that took place in the Committee on Foreign Relations with regard to these two so-called leadership amendments, that the Senators had already, in the committee, added these amendments as

either one additional article or two additional articles, as the case might be, when they got word from Panama, through the State Department, that "We don't want to handle it that way."

I am not too pleased, Mr. President, with the fact that Dictator Torrijos seems to be having more influence here in the U.S. Senate and in the Committee on Foreign Relations in drafting Committee on Foreign Relations in these amendments than the Senators themselves. It looks, Mr. President—

Mr. CHURCH. Will the Senator yield?

Mr. ALLEN. No; let me proceed a little further. I have been yielding to Senators all over the floor. I will yield in a moment, but I want to complete this thought: It seems to me that we have a situation here almost like the situation that existed back, I believe, in 1940, when President Franklin Roosevelt was seeking a third term, and at the convention, the Democratic Convention, as various matters came up that President Roosevelt did not want to be concerned with, that he did not want to pass judgment on, he would say, "Clear it with Sidney," Sidney being Sidney Hillman, who was one of the great labor leaders of that day. He wanted everything cleared with Sidney. It looks like the U.S. Senate wants everything cleared with Omar, Omar being Mr. Torrijos.

If that is the attitude of the Senate, if we are going to allow Mr. Torrijos to tell us how to amend these treaties and by what method to amend them, I think then we are abdicating our role of giving advice and consent to the President in the process that we have of ratifying these treaties, if Mr. Torrijos tells the great and august Committee on Foreign Relations, "We do not like the way you are handling this amendment; we do not want you making separate articles out of these leadership amendments, because that might be something different that we might have to submit to another plebiscite," and we react to it, then we are abdicating our responsibility to give advice and consent.

Are we going to let Mr. Torrijos determine whether or how we are going to amend these treaties? "I do not want to have you attach an article; just amend something."

In this connection, I have something I want to refer to a little later on. The Spanish word for amendment—"enmienda," I believe it is—is supposed to refer to a minor change, a connection, but the Spanish word "reforma" means a basic change. So he does not want the treaty reform; he wants an amendment added, which is considered, under the Spanish language, as being something minor which would justify not submitting it to another plebiscite.

Mr. CHURCH. Mr. President, will the Senator yield at this point?

Mr. ALLEN. Yes; I yield for a question.

Mr. CHURCH. I would like to set the Senator's mind at ease on this particular issue. I do not want him to lose any sleep over it.

Mr. ALLEN. Well, I do not plan to.

Mr. CHURCH. These amendments were the result of an initiative by the Senate that commenced in the Senate Foreign Relations Committee.

When it became apparent, early in our hearings, that these two crucial provisions, section IV and section VI, were being interpreted differently in Panama and the United States, I was the one who first said that the Senate cannot be expected to ratify treaties if there is any serious question concerning such crucial provisions and their interpretation.

So, point No. 1 is that the initiative for these amendments did not start with Omar Torrijos; the initiative started in the Senate Foreign Relations Committee. It led to the President's invitation to General Torrijos to return to Washington, at which time the two Chiefs of State entered into a statement of interpretation which has now been proposed in the form of two amendments to be written into the text of the treaty itself.

Mr. ALLEN. You originally added two separate articles, though, did you not?

Mr. CHURCH. Yes. The first proposal—

Mr. ALLEN. And reconsidered that?

Mr. CHURCH. The first proposal that I made divided the text of the understanding between President Carter and General Torrijos into two parts, adding one part to section IV and the other part to section VI. I thought that the most logical way to amend was to attach each section of the understanding to the subject matter it related to in the treaties.

It was the State Department, not General Torrijos, that urged us to take a different course, which the committee then agreed to do, by adding article IX.

What the committee finally did, when the State Department reconsidered the matter, was to return to the original amendments I proposed and adopt them in the same form as I first proposed them. I certainly would not want the record left to suggest that the amendments the committee has recommended to the Senate in any way emanate from General Torrijos. They do not. They are the direct result of the initiative of the Senate itself, and they take the form I originally proposed to the committee.

Mr. ALLEN. I understand that, but did not the State Department say, after we had acted one way, "You should not have acted that way, because that is not going to please General Torrijos"; is that not correct?

Mr. CHURCH. The State Department—

Mr. ALLEN. Is that not correct?

Mr. CHURCH. The State Department was mistaken in its first recommendation to the committee, and came back after the weekend, after consultation with our Ambassador, and suggested the way I had originally proposed the amendment was the preferable way.

Mr. ALLEN. But did they not ask you to "lick the calf over," so to speak, from the action you had already taken, and do it in a different fashion? Is that not correct?

In other words, with the action you in the committee had taken, you reversed

yourselves and did it in a different fashion. Is that correct?

Mr. CHURCH. The Senator is correct. The committee reversed the action they initially recommended, and reinstated the amendments originally proposed.

Mr. GRIFFIN. Will the Senator yield?

Mr. ALLEN. The amendments you proposed were never adopted by the committee and the two articles were adopted. Is that correct?

Mr. GRIFFIN. Will the Senator yield?

Mr. CHURCH. The final action of the committee was to adopt the amendments in the form I originally proposed.

Mr. ALLEN. That is another way of answering that they redid it.

Mr. CHURCH. That is correct.

Mr. GRIFFIN. Will the Senator yield?

Mr. ALLEN. I want to comment further on Senator Church's comment about the initiatives taken by the Senate.

Mr. GRIFFIN. Can I underscore what I think is an important point?

Mr. ALLEN. Very well. I yield.

Mr. GRIFFIN. I made the point and the Senator from Idaho ignored it. While we are not repeating dark secrets, I will say this has been in the papers, the question comes down to whether or not this language was rearranged in two different places of the treaty in order to avoid a plebiscite of the Panamanian people. Is that not a factor? Was that a major factor for the reason of this quick stepping done by the Foreign Relations Committee?

Mr. ALLEN. I would not be able to answer that question.

But let me proceed. I have the floor, I will say to my distinguished colleagues.

The distinguished Senator from Idaho was saying that the initiative on the amendments was started in the Foreign Relations Committee, and that thereafter Torrijos and President Carter entered into a memorandum. The memorandum was embodied in the two amendments. Overlooked was the fact that Mr. Torrijos commented on the memorandum, which is now in the leadership's two amendments, and adopted a different interpretation of the memorandum than what we adopted here in the United States, even than the interpretation that the Foreign Relations Committee adopted. So still, even though these amendments are adopted, we do not clarify the misunderstanding. There is still a misunderstanding. That is the point I am making. It is now necessary to amend the leadership amendments in order to put in new words which have unmistakable meaning. The words the distinguished Senator is relying upon in the leadership amendments do not have an undisputed meaning. They mean one thing to Torrijos, and he has so stated. The distinguished Senator from Michigan (Mr. GRIFFIN) read from the record, and I mentioned it from memory, that Torrijos puts one interpretation on the meaning and the Foreign Relations Committee and the U.S. Government apparently put another interpretation on the meaning.

Mr. SARBANES. Will the Senator yield?

Mr. ALLEN. I yield for a question. I want to call attention to the fact that my remarks might extend somewhat longer than I had planned because about half of my time is being used by questioners to whom I have been yielding. I will feel free to go beyond the time I had originally estimated I might consume. I do not have prepared remarks, and I might have to go somewhat longer. I will yield for a question.

Mr. SARBANES. I appreciate the distinguished Senator yielding.

I believe the Senator from Idaho has made a most important contribution in bringing forth the two amendments now being proposed as the leadership amendments which clarify our rights under the treaty. It was at his initiative that the Senate Foreign Relations Committee moved to strengthen these treaties. I think it is generally perceived by all observers that the amendments do in fact strengthen the treaties and, therefore, constitute important additions to the documents.

As these amendments are now being proposed, they are in the form in which the distinguished Senator from Idaho proposed them in the committee. I would think that lawyers would agree that it is better to take a statement which relates to two articles in a treaty and incorporate the provisions of the statement with respect to each of the pertinent articles at the appropriate points. That is what is being done with these amendments.

I hope the distinguished Senator from Alabama does not question the initiative or the role which the distinguished Senator from Idaho (Mr. CHURCH) has played in the course of the consideration of these treaties by initiating the effort to come forward with these strengthening amendments.

Mr. ALLEN. I have not questioned his statements. As the ranking Democrat on the committee he has played an important part.

The point I am making is that after the certain language, I do not know whether the memorandum of Torrijos and President Carter was word-for-word what the distinguished Senator from Idaho was proposing or not. But whatever it was, whoever was entitled to the credit for this initiative, came up with a wrong wording, an indefinite wording, a wording susceptible, apparently, to more than one construction. Mr. Torrijos interprets it one way and the Foreign Relations Committee and our Government interpret it another way.

So far as I know, there has been no departure from the memorandum agreed to but not signed by the President and the Dictator. There has been no change in that from the original Church initiative. Whoever is responsible for the wording has wording then that is susceptible, apparently, to two constructions. Mr. Torrijos has one and the Foreign Relations Committee has another.

The point I was further making is that aside from whose initiative it was, even though the two-amendment route was proposed by the distinguished Senator from Idaho (Mr. CHURCH), apparently the Committee on Foreign Relations did



not agree with him, his own committee did not agree with him, and the committee came up with a different method.

Then this different route, having come to the attention of the State Department, the State Department said, "No, no, do not do that. The Panamanians will not like it. Go ahead and reverse yourselves. Kill the action you have taken, and do it the way Senator Church wants."

Mr. SARBANES. Will the Senator yield on that point?

Mr. ALLEN. Yes.

Mr. SARBANES. I do not think that is really fair to the initiative of the Senator from Idaho and the action of the Foreign Relations Committee.

The recommendations from the Foreign Relations Committee for amendments, which were included in its report, and the amendments which have now been proposed by the joint leadership and cosponsored by an overwhelming majority of the Members of the Senate, embodies the approach first put forward by the distinguished Senator from Idaho (Mr. Church). That was the approach he took in the Foreign Relations Committee and that was the approach which was finally settled upon. I think it is the most sensible way to go about amending these treaties.

The provisions contained in those amendments, as the Senator from Idaho has underscored, are designed to clarify, beyond any doubt, the rights of the United States to take certain actions to protect the neutrality of the canal and also to place our warships at the head of the line in order to gain immediate passage of the canal in case of need.

Mr. ALLEN. Then may I ask the distinguished Senator, why is it that Dictator Torrijos gives it one construction and the Committee on Foreign Relations gives it another?

Mr. SARBANES. Let me reply to that question. First of all, I know the Senator from Michigan has made that argument, but I do not agree that the provisions are being given different interpretations.

Mr. ALLEN. The Senator has apparently not read the Torrijos statements.

Mr. SARBANES. I have indeed, and those statements are extensive and extended, as the distinguished Senator from Alabama knows from his own reading of them. Therefore, it is very important that one read through those statements completely, and his interpretation encompass all of the statements which have been made. On that basis, I do not agree that there is a difference in interpretation.

Second, the Panamanians have agreed to these treaties by their own volition. An agreement which gives us by the terms of the treaties many important rights and authorities. That is enormously important in terms of the American action that we can take.

I heard mentioned earlier, what could we do in the future? I only point out that we are the world's strongest military power, a nation of 218 million at present. Panama is a republic of 1.7 million people. The United States is in a position to use its power to protect its in-

terests. But we should desire a legal and moral basis on which to use that power. That is what these treaties give to us. They give us the legal and moral basis for taking action.

The Senator from Michigan has argued for further plebiscites. The fact of the matter is that these treaties, with it understood that the joint statement is part of them, have been approved 2 to 1, in Panama.

The rationale of the opposition in Panama in the plebiscite was that the treaties are too accommodating to American interests, that they give us too much in terms of our rights to take action to protect our interests. Simply looking at American interests, I think that these treaties, with the leadership amendments to be incorporated therein, are enormously important in giving the United States the legal and moral basis to use its power to protect its interests. We ought not to lose the opportunity to gain that legal and moral basis; a basis which has been agreed to by the other party.

Mr. ALLEN. I thank the distinguished Senator for his nongermane comment.

Mr. GRIFFIN. Will the Senator give me 30 seconds to respond?

Mr. ALLEN. Provided I do not lose my right to the floor.

Mr. GRIFFIN. I want to say briefly in response to the Senator from Maryland that I am not arguing for additional plebiscites. I am arguing, however, for a new treaty relationship with the people of Panama, rather than a treaty with a temporary, self-appointed dictator. It is just as simple as that. If we end up here with a treaty that has the approval of Mr. Torrijos but does not have the approval of the people of Panama, then we are only fooling ourselves.

Who knows how quickly Mr. Torrijos' successor will seize upon the fact that these treaties have no validity—a very, very important point—because they have not been approved by the people of Panama?

If we do not change the treaties, that is a different thing. Then we in the Senate can vote them up or down, because the people of Panama have voted on them. But if we are going to change the treaties in a substantive way, then we are going to end up with a different treaty. Mr. Torrijos himself said if we put these two amendments together and called it an article, that would be a substantive change—but then he says, if you spread them out a little bit and hide them in other sections, you would not need to go back to the people of Panama for approval, even though the words are exactly the same. That, to me is a very dangerous kind of situation.

Mr. ALLEN. I thank the distinguished Senator from Michigan.

The point is being made that we are only now going back to the original thrust of the Church initiative, which was not accepted originally by the Committee on Foreign Relations, and that, after the Committee on Foreign Relations had made a separate article or articles of these amendments, the committee was advised by the State Department that that would not play in

Panama, as might be said. Therefore, the Committee on Foreign Relations reversed their action, showing the influence of the Panamanian connection and showing that Mr. Torrijos has great power in shaping these treaties here in the U.S. Senate. Therefore, the committee did reverse itself and did go back to the Church initiative.

But the Church initiative, I say, Mr. President, is based upon the flawed memorandum, or the initiative started first and the flawed memorandum resulted from that. But whatever they came up with, the statement—I hesitate to call it an understanding—embodied in the memorandum between President Carter and Torrijos is flawed in that Torrijos puts one interpretation on it and the Committee on Foreign Relations and the U.S. Government apparently place another interpretation on it. That same flaw is carried forward into the leadership amendments, which are based on the memorandum which is apparently based on the Church original initiative.

Now, Mr. President, I have yielded to numerous Senators during the course of my remarks. As I stated, I have no prepared address, but I do have a number of items that I would like to cover.

In order that the continuity of my remarks be not interrupted, I am going to ask my distinguished colleagues, if they will, to allow me to speak until, say 1 o'clock, at which time I shall be glad to yield to questions by my distinguished colleagues.

I say that those Senators who have remarks to make that are not questions—and, as Senators know, a speaking Senator can yield only for questions without risking losing his right to the floor—if they have comments to make, let them store those comments up and make them when they have the floor, here in the U.S. Senate. At the present time, the junior Senator from Alabama has the floor, and he is going to talk now until 1 o'clock, at which time he will be glad to entertain questions and give such answers as he is capable of giving.

Mr. President, earlier in my remarks, I pointed out the great contributions made by Alabamians to dreaming the concept of the Panama Canal and to putting it into execution. I mentioned Senator John Tyler Morgan of Alabama, who has been called the father of the isthmian canal by no less an authority than Senator Spooner, who was author of the bill providing for a Panama canal.

Gen. William Crawford Gorgas, the conqueror of yellow fever in Panama, was an Alabamian, as was Gen. William Luther Sibert, who was the top assistant to General Goethals. I should like to read a tribute to Senator Morgan—who, I might say, is one of my all-time favorite U.S. Senators, whether they come from Alabama or any other State in the Union. In the authoritative book, "Cadiz to Cathay," by Miles Duvall, starting on page 424, there is a summing up of the great contribution made by Senator Morgan. I am not, at this time, going to go into the contributions of General Gorgas and General Sibert, but I do feel that

Senator John T. Morgan of Alabama played such an important role in visualizing the need and importance of an isthmian canal that I shall be remiss in my duty as a U.S. Senator from the State of Alabama if I do not call my colleagues' attention to his great contribution.

I quote, starting on page 424:

It was Senator John T. Morgan of Alabama who did most in those apathetic years of 1880-1903 to keep the issue alive and to campaign against reputed British encroachments. At first bitterly disappointed at the adoption of Panama in preference to Nicaragua, when real work started on the Panama Canal he took a great interest in it, for the end he was for any canal rather than no canal. He never lost faith in the ultimate accomplishment of his dreams. Some day, perhaps not until the Nicaragua Canal is built, some biographer will write the story of Morgan's life and work and thus give his name the great place it deserves in this important phase of American history.

Although a partisan of Nicaragua and represented as being of a most stubborn nature in his Senate conflicts, Morgan had a greater vision. Underlying his partisan behavior there was the larger view, well expressed by him in a letter to Joaquin Bernardo Calvo, one-time Costa Rican Minister in Washington:

Senator Morgan wrote this. This was written prior to 1907 because that was the date of Senator Morgan's death.

I need not speak of the motives that have so long impelled me to labor for an isthmian canal, against opposition that came from various powerful sources, at home and abroad, and often seemed beyond the power of resistance. You know that our Southern States are still buried under the ashes of the great civil war, and that an isthmian canal is the best, if not the only hope of lifting them above this debris, through the energies of production and through commercial intercourse with the Pacific Ocean.

The selection of the route is a secondary consideration provided the conditions are equally favorable to all concerned.

This passage is particularly interesting:

Later studies have shown that Morgan was essentially right in his views. The Nicaraguan Canal, as he saw in his day, was the preferable route from the standpoint of the welfare of the United States, especially the South.

I hasten to say this was Senator Morgan's view and not necessarily the view of history.

It has been predicted that if this canal were available today two-thirds of the transisthmian traffic would use the Nicaragua route because of its shorter distances for certain trade lanes. That fact, however, makes it fortunate that Panama was built first, as that still leaves a strong reason to build Nicaragua, whereas if Nicaragua had been built first no such impelling incentive could have been created for Panama and the present canal undoubtedly would have been delayed, as Panama leaders realized, even for centuries.

So if the Nicaraguan route had been successful, if it had been the one chosen, then we would not be here today debating this issue of whether or not we would give the canal to Panama.

Then again, Mr. President, on page 166 of that same authoritative work we read of the debate regarding the Panama Canal issue in the Senate:

At times the debate was bitter but not so bitter as to obscure the great part Morgan had played in the history of transisthmian water communication. To him was given one of the greatest tributes in the records of Congress, when on June 18 Senator Spooner declared:

I say again, Senator Spooner was the author of the bill providing for the Panama Canal. This is the great tribute he paid to Senator Morgan:

Upon whatever route an isthmian canal shall be constructed, the Senator from Alabama will forever stand in the memory of the people as the father of the isthmian canal; for, in season and out of season, in sunshine and in storm, unappalled by obstacles and adverse influences, with lofty patriotism and unfaltering purpose, he has, with rare skill tireless industry, and splendid advocacy, fought for an isthmian canal. When it comes, and it will come, his name will deservedly be identified with it far above that of any other man.<sup>55</sup>

Mr. President, I felt that it was appropriate that I pay this tribute to Alabama's great U.S. Senator of the past, John Tyler Morgan, for his great contribution toward the building of the Panama Canal.

Mr. President, why should we have a Panama Canal Treaty? Is it because of a good neighbor policy?

I believe that is carrying good neighborliness just a little bit too far.

Is it because the canal is indefensible? I think not, because under the treaty and the side agreements we are withdrawing from 10 of the 14 bases that we have defending the canal and if those in charge of such military matters feel that 4 bases are sufficient and that 14 are not needed, it is quite obvious, it would seem to me, that the canal can be defended.

Is it because of sabotage? Is it because of fear of sabotage?

The treaties wipe out the Panama Canal Zone and, whereas now the United States controls 5 miles on each side of the canal, as soon as the treaties are approved the boundaries of the canal zone will cease to exist and all of the territory will be Panamanian.

So if we are fearing sabotage, we are bringing the Panamanians 5 miles closer on each side of the canal.

Sabotage is no reason, or the fear of sabotage is no reason, to give the Panama Canal away.

Now, can we combat potential sabotage? I think so.

I quote from the February 9, 1978, CONGRESSIONAL RECORD a statement made by our distinguished majority leader—Mr. ROBERT C. BYRD. He made it not just once, but twice, and I make this statement, even though he is absent from the floor, because it is a correct statement, it is an honorable statement, it is a fair statement, and it is a correct assessment of the situation.

Senator BYRD said:

There is not any conceivable situation that could arise in Panama if these treaties were rejected, no conceivable situation that could possibly arise in Panama that we could not handle with our military.

So, Mr. President, there is no need to worry about the possible sabotage on the part of the Panamanians.

Why would they kill the goose that lays the golden egg? Seventy-five percent of the employees of the Panama Canal Company are Panamanians, and much of the high standard of living that the Panamanians have is traceable directly to the Panama Canal operations.

I fear, Mr. President, that these treaties are indicative and symptomatic of the growing trend in this country to be willing to give away our very substance. Already, we have contributed overseas more than \$200 billion since 1946. Already, around the world, when resistance is given to us, we are willing to withdraw, to retreat. Here we set another example of our unwillingness to stand up for our rights, to stand up for our interests.

We seem principally concerned with coming up with a treaty that meets with the approval of dictator Torrijos, which will not require him to submit the treaties to a plebiscite.

On the matter of a plebiscite, what is wrong with a plebiscite? Mr. Torrijos jumped the gun on the other plebiscite. He could have called it any time he wanted to. He knew these treaties were going to come up before the U.S. Senate. He knew the U.S. Senate had the power to amend these treaties. Why, then, did he jump the gun and call for a plebiscite in Panama on the treaties?

He called a plebiscite. By a vote of 2 to 1, the people endorsed the treaties. If they would endorse them then, why would they not endorse them now, even if changes are made? But Mr. Torrijos, for some reason, must feel that his control over the Panamanians has slipped, that he could not succeed in another plebiscite.

So what he is saying to the U.S. Senate, in effect—I suppose he is actually saying it, for that matter—is, "Do not amend these treaties in substantive form. Do not have any substantive amendments, because that is going to make me resubmit these treaties to a plebiscite in Panama."

What should be the proper concern of the U.S. Senate? Obviously, it should be what is in the best interests of the United States and the people of the United States. Should we be concerned with whether or not Torrijos can get these treaties approved again in another plebiscite?

That should certainly not be our primary concern. Our primary concern should be, and must be, how can these treaties be shaped to best protect the interests and the security of the canal, and thereby the security and best interests of the American people?

Are we going to adopt the leadership amendment, which apparently has different interpretations in the United States than in Panama, and having done that, stonewall the remainder of the amendments?

I call attention to this vaunted leadership amendment. It is not greatly different from article 4 of the Panama Canal Treaty. But again I say that it is susceptible, apparently of two constructions and overlooks the fact that by the year 2000 all our troops will have been withdrawn from the Canal Zone,



unless we can amend the leadership amendment, and any action on our part to defend the canal would be done by our acting in the role of an invader of that country. We can imagine the international repercussions that would be caused by the United States forcing itself back into Panama after all our troops are gone, and I would not wonder at that.

So what we need to do is to protect our right to defend the canal, if we are going to give it away. But as I say, we are getting the cart before the horse. We should be considering the Panama Canal Treaty first in order to decide whether we are going to give it away, before we decide whether we are going to plan for its defense down the road.

The amendment I intend to offer provides that our military presence could continue after December 31, 1999, if the President deems it is necessary for the defense of the canal or the maintenance of its neutrality and he so certifies to the Panamanian Government prior to December 31, 1999.

Mr. President, the giving of the canal to Panama changes the entire nature of the operation of the canal. The United States has operated the canal on a non-profit basis, and it has been a benefit to the world, as they are able to use this canal, and the United States does not make a profit from it. Now it is going to change.

I am not going to comment on the full amount it is going to cost the taxpayers. That is going to be commented upon by others. However, after assurances were made time and time again by the proponents of the treaties that it would be at no cost to the taxpayers of the United States, the administration finally came out with a statement a few days ago saying, "Well, we were wrong about that. It is going to cost the taxpayers \$600 million." That is just a start, as will be pointed out. But I feel that my time today is limited, even though under the rules it is not limited.

We are changing this entire operation of the canal.

Mr. Barletta, the Minister of Economic Planning in Panama, estimated that in the 22-year existence of the Panama Canal Treaty, Panama would receive—and this is largely from tolls, I will concede—\$2.262 billion, this not counting the tremendous properties being turned over at this time, this not counting the loan program that has been made up for them of \$345 million, this not counting the \$319 million that is still owed to the U.S. Treasury on the canal.

They are going to receive, according to Minister Barletta, \$100 million a year from the tolls. The treaties provide, at article XIII in the Panama Canal Treaty, that after the Panama Canal Commission runs a deficit, and it surely will, we will have to clear that before the year 2000, when we are obligated to turn the canal over to Panama free of debt.

Mr. President, let us consider for a moment this Panama Canal Commission that is set up to take the place of the Panama Canal Co. which now operates the canal for the U.S. Government. They are going to set up a commission to take

over the canal. That is not talking about the year 2000. That is talking about the fact that as soon as these treaties are approved, they would turn the canal over to the Panama Canal Commission.

What is the makeup of this commission?

It has nine members. Five of them are American nationals, it says, and four of them are Panamanians. How do you choose the Panamanians? They are chosen by a list being furnished to the U.S. Government. That is all it says. It does not say who is going to appoint them. I assume it will be the President. He appoints the members of the Panama Canal Co., as I understand it. And a significant feature, Mr. President, is that whereas the members of the Panama Canal Co. have to be approved by the U.S. Senate the members of the Panama Canal Commission, nine in number, five Americans and four Panamanians, do not have to be approved by the U.S. Senate. So, Mr. Torrijos could send over the names of any four Panamanians he might wish to send over, no matter what their reputation, no matter what their background, no matter what their ties to other foreign governments, and it is incumbent on the United States to appoint those four without any confirmation by the U.S. Senate.

All right. Starting out with four Panamanians and five Americans, not approved by the Senate, suppose one of the five Americans sides completely with the Panamanian position. That would give Panama actual control right from the start.

The treaty provides, further, that whereas they have an American administrator until the year 1990, at that time they appoint a Panamanian administrator of the canal, so actually it would seem instead of waiting until the end of this century for Panama to get full control it looks like, with the administrator coming in, the Panamanian in 1990, Panama pretty well has control rights from the start.

Mr. President, I want to talk about the head-of-the-line provision that we hear so much talk about to the effect that they have accomplished great wonders for the security of the United States under this head-of-the-line provision. Let us see about that, just what it does say about the head of the line for American warships. We have not heard Mr. Torrijos' construction of this phase of the leadership amendment. But we have heard his construction of the memorandum:

In accordance with the Statement of Understanding mentioned in Article IV above: "The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly."

In the first place, this gives Panama an equal right with the United States to be entitled to emergency treatment. In

other words, the Panamanians will be in charge completely starting with the year 2000. It does not say which will have priority, the United States or Panama. So obviously the Panamanian ships, under a Panamanian ownership and administration of the canal, it would seem to me, would get priority treatment over the United States. Let us read on:

without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line \* \* \*

Who is going to determine the need or the emergency? Panama will be sitting there controlling the operation. They own the canal. They operate the canal. They maintain the canal. They defend the canal. Who is going to say whether it is an emergency?

Panama could well take the position: Well, I see no emergency. You ought to just wait your own good time. By the way, we have these two or three Panamanian vessels that certainly need to go first and we have equal right with the United States under this so-called leadership amendment.

So I do not believe that this properly defines who determines whether there is an emergency or not. An I feel that the amendment is defective at that point.

Once again I point out I am a cosponsor of this amendment but that fact does not keep me from seeing its shortcomings and its very serious defects.

Once again, Mr. President, we are going to hear from time to time as amendments are offered here on the floor that this amendment or that amendment is not needed. I dare say amendments accepted by the leadership of really substantive nature are going to be few and far between, and for adoption of any amendment to strengthen the interests of the United States under these treaties the process is going to be like pulling eye teeth before the proponents of these leadership amendments will agree to any others. And they, the joint leadership, the Democratic leadership and the Republican leadership, are going to assure Members here that the leadership amendments take care of everything and we do not need any other amendments. Mr. Torrijos does not want any more amendments. Once again, I say we ought not to be concerned with what Mr. Torrijos will accept or what he wants.

Mr. SCHMITT. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I guess we are near enough to 1 o'clock. I stated I was going to speak until 1 o'clock without allowing interruption. Since this is the first request for my yielding, I will yield for a question.

(Mr. JOHNSTON assumed the chair.)

Mr. SCHMITT. A little bit earlier in a colloquy that the Senator from Alabama had with the Senator from Idaho, this Senator, the Senator from New Mexico had an impression that he heard something that he would just like to have clarified. Was it the Senator's understanding that prior to the introduction of the resolution for ratification there would be communication between parties unnamed, presumably the Senate and

the Government of Panama, to see if whatever amendments had appeared by that time would in fact be acceptable?

Mr. ALLEN. As I understand the procedures—

Mr. SCHMITT. I realize that is not Senate procedure, but I thought that is what the Senator from Idaho said.

Mr. ALLEN. As I understand the procedure, once the Senate agrees to the terms of the treaty, then a resolution of ratification is presented which embodies the provisions of the treaties as finally agreed to by the Senate. That resolution of ratification transmits it to the President and then, depending on whether Panama has taken all the steps it needs to take with respect to the approval of the treaty—up until that time you do not have a treaty. The missing ingredient would be whether Torrijos needs to submit the treaties as finally agreed to here in the Senate for the same type of approval that he got originally when he jumped the gun on calling a plebiscite.

Mr. SCHMITT. Well, I had the distinct impression—maybe the Senator from Idaho would be willing to clarify this—that he said that prior to the resolution of ratification being approved in the U.S. Senate, there would be some indication from the Torrijos government as to whether or not the amended treaties were acceptable.

Mr. ALLEN. Well, if so, that would not be official. With the "advice and consent" he is now giving our actions here, he seems to have taken over that role, but it would not be an official action to advise us—he would ratify.

Mr. SCHMITT. I fully recognize that, and maybe the Senator from Idaho will clarify that point.

Mr. CHURCH. Will the Senator yield to me for that purpose?

Mr. ALLEN. I will yield. I do not yield my right to the floor. I yield the Senator 5 minutes, Mr. President.

Mr. CHURCH. The able Senator from Alabama has stated the legal procedures accurately, and I have attempted to explain them earlier. Once the Senate has worked its will on these treaties, however the Senate may choose to amend them, the consent that the Senate gives is based upon the action that the Senate takes.

The treaties thus amended would be accompanied by an instrument of ratification, properly executed by the President or the Secretary of State, or someone acting in his behalf. By like token, the Panamanian Government must execute an instrument of ratification relating to these amended treaties.

The two instruments of ratification are then deposited in Panama and in the United States, and upon the deposit of the instruments of ratification the treaties, as amended, become of binding force and effect.

Mr. SCHMITT. The Senator from New Mexico understands that sequence. What is of concern to the Senator from New Mexico was the statement that he believed he heard the Senator from Idaho make, that prior to the vote on the instrument of ratification, on the resolution of ratification, there would be some

type of interaction with the Government of Panama in order to determine whether the amended treaties would be acceptable.

Mr. CHURCH. The Senator from New Mexico misunderstood my remarks.

Mr. SCHMITT. Good. I am delighted to hear it.

Mr. CHURCH. Whatever the Government of Panama feels it must do under its constitution is up to the Government of Panama. I do not care. Whether they need another plebiscite is for them to determine, not for us to determine. Our responsibility is to amend these treaties as we think best conforms to the interests of the United States. That is our responsibility. Having done that, if the Torrijos government believes it must submit the amended treaties to the people of Panama for another plebiscite, that is up to them to decide, under their laws and their constitution.

Mr. SCHMITT. I appreciate the clarification. I think a number of other Senators misunderstood the earlier statement, and I think the clarification is good for this body and for the public.

I thank the Senator for that, and I again thank the Senator from Alabama for yielding.

Mr. ALLEN. I thank the Senator from New Mexico.

Mr. President, amendments will be offered here on the floor to the Neutrality Treaty and to the Panama Canal Treaty. "Selected Documents," from the Bureau of Public Affairs Office of Media Services contains the treaties and the amended annex and protocols in 22 pages. Accompanying that document—that is accompanying both treaties, their annexes, amendments, and protocols, calling on the other nations of the world to agree to this Panama Canal Neutrality Treaty—connected with these documents and referred to often in the treaties, but, according to a ruling of the Vice President—not a ruling because the question was not up, but in the response of the distinguished Vice President, Mr. MONDALE, to a parliamentary inquiry which I made the first day the treaties were before the Senate—these tremendous "Selected Documents" occupying 64 pages of the same size paper as the treaties, these tremendous documents going into nearly every phase of the agreements, overlapping, in some cases, the provisions of the treaties, are incredibly not before the Senate, according to the response of the distinguished Vice President.

That being true, Mr. President, since the Senate is not going to get any opportunity to act on these tremendous documents having to do with implementing the treaties, it is going to be necessary—and the distinguished Vice President did concede that this might be done—to offer amendments to one or both of the treaties if we are going to change any of the provisions of the "selected documents."

That being true, since we cannot amend the documents, we are going to be put to the need or to the requirement of amending the treaties; and that being true, there are going to be quite a few amendments.

The first amendment I intend to call up, as I have stated—but I feel that while I am talking about amendments I should mention this—is an amendment that calls attention to the fact that the so-called leadership amendment ignores the fact that all of our troops are to be out of Panama by the year 2000.

This so-called leadership amendment, which I must stress again is construed differently in Panama from the way it is construed here in the United States—would provide for our defense of the canal; but after the year 2000 all of our troops would be gone. So any defense—they make a big to-do about unilateral rights. Well, we can have unilateral rights without a scrap of paper, because if we want to go in and defend the canal, we could do it. What difference does it make whether we say in the document that we have got the right to defend the canal, when we have already got that right?

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. ALLEN. No, not until I get through, let me say to the Senator.

What the proponents overlook is the fact that all of our troops will be gone from Panama, and if we come in at all to defend the canal, we will, in effect, have to invade Panama. We will either have to come in with an amphibious landing or in an air assault with paratroopers.

But under my amendment, Mr. President, this pledge is fulfilled; this oversight, shall we say, of the leadership amendment is taken care of.

My amendment, which I intend to offer at the proper time, says that the military presence of the United States shall continue beyond December 3, 1999, if the President of the United States deems it is necessary for the defense of the canal, or for preserving its neutrality, and so certifies to the Panamanian Government prior to December 31, 1999.

We do not know what the conditions in Panama will be in the year 2000, or what form of government they will have. We know Russia and Cuba may want all of Panama or all of the canal. We do not know whether it will be a satellite of either of those countries.

This amendment does give the President of the United States the option to continue our military presence there beyond the year 1999, if he deems it is necessary, for the defense and maintaining its neutrality.

Now I will be glad to yield to the distinguished Senator from Maryland if he wishes me to.

Mr. SARBANES. Not at this time.

Mr. ALLEN. Mr. President, as much as we cannot change these documents by amendment, I believe it is necessary to put into the treaties amendments which will refer to the same areas as these documents and make them a part of the treaty.

Mr. President, the Presiding Officer in his responses to my inquiries seemed to indicate that if the negotiators of the treaty would come up with a treaty saying that the parties hereto agree to cer-



tain terms, which are set out in more detail in a signed agreement, if the Senate was unwise enough to agree to something like that then the whole thing could be handled by a signed executive agreement.

We have twice as much, we have three times as much, in the signed side agreements as we have in the treaties themselves.

It would seem to me it would be a bad precedent to agree to something not even in the treaties. These very important matters are referred to only in another document that the Senate cannot change.

Mr. SARBANES. Will the Senator yield?

Mr. ALLEN. I will yield for a question.

Mr. SARBANES. I thought at the beginning of the debate when the Senator had his exchange with the Chair and made a number of inquiries, it was clear that provisions in documents that were outside of the treaties themselves were actually not before the Senate for amendment. If the Senator feels such provisions should be in the treaties themselves, he obviously has the opportunity to offer amendments to the treaty which would incorporate or bring into the treaty any provisions the Senator deemed important. I understood that the Senator has that opportunity through the amendment process.

Mr. ALLEN. I believe the Senator did not quite understand what the Senator from Alabama was saying. The Senator from Alabama said that the Chair, in response to my inquiry, made a statement that whereas the selected documents are before the Senate, in a sense they are not before the Senate to allow the Senate to amend them. They are just here. They are in limbo. These side provisions cannot be touched by amendments, per se, to these related documents.

Mr. SARBANES. If the Senator will yield further—

Mr. ALLEN. I believe if the Senator will get a staff man to check the statements, he will find what the Senator from Alabama says in his response is correct.

Mr. SARBANES. I do not think there is any difference. If there are provisions in documents outside of the treaty which the Senator from Alabama thinks should be part and parcel to the treaty, the Senator from Alabama can offer amendments to that effect.

Mr. ALLEN. The Senator is just repeating what I have said. This side agreement tactic is to put us to offering amendments to treaties which would be contrary or at variance with, or sometimes in compliance with, the signed agreements. The point the Senator from Alabama is making is that the agreements themselves are not subject to amendment.

Mr. SARBANES. The treaty is the governing document. If the Senator wishes to offer amendments to the treaty and they are adopted—

Mr. ALLEN. The Senator from Alabama understands all of that.

Mr. SARBANES. Then we have no difference.

Mr. ALLEN. All the Senator from Ala-

bama is saying is that it is going to require numerous amendments in order to counteract the provisions in these signed documents. That is all the Senator from Alabama is saying. I hope that is clear to the distinguished Senator from Maryland.

The Senator from Alabama has explained why numerous amendments must be offered, because the length of the signed document is three times as long as the treaties themselves, and we cannot touch the signed documents except by amendment of the treaties themselves.

Now, Mr. President, on another matter, as I said in my remarks earlier today, I commended the distinguished majority leader and the distinguished minority leader on their decision that due to the importance of this issue a reasonably long period would be set aside for consideration of the treaties. The distinguished majority leader is quoted as saying that he estimates the treaties would require anywhere from 3 to 5 weeks of debate, that the Senate will be allowed to have a full and extensive debate, and would have the opportunity to offer numerous constructive amendments. I feel that no dilatory amendments will be offered and no dilatory tactics will be used.

I think it is important to emphasize that we will have the opportunity to offer amendments and to speak with respect to the amendments and the treaties themselves.

There was an article in the New York Times in the last week by the able and distinguished columnist Mr. Tom Wicker commenting on the remarks I made here on the floor. I will read from that document. He has something to say about a filibuster and I would like to comment on it:

Senator James Allen of Alabama . . . a dedicated treaty opponent, was even heard to say that we would not engage in "debate by clichés," a position that shatters all Senate precedents. He also offered a Washington Post interviewer the dubious theory that a filibuster or stalling tactics would "serve no purpose" in the treaty debate—although on the face of it, a ratification question requiring a two-thirds vote seems a splendid opportunity for an opposition filibuster.

That is a non/sequitur.

We shall see what we shall see.

The distinguished columnist, Mr. Wicker, says:

Although on the fact of it a ratification requiring a two-thirds vote seems a splendid opportunity for an opposition filibuster.

Just the contrary, Mr. President, because it takes 67 votes to approve the treaties, to give the Senate's advice and consent to the ratification of the treaties, only 60 votes to cut off a filibuster. So it hardly seems logical to say that, since it takes 67 votes to approve the treaties, therefore, that is a good place for a filibuster. Just the contrary is true. That is one reason we shall not have a filibuster, because of the numbers involved, because 60 votes can cut off a filibuster, 67 votes are required to approve the treaties.

Another reason there will not be a

filibuster, Mr. President, is that if the treaties, in effect, are defeated, or a better phrase would be prevented from coming to a vote, by extended debate, that would not be a defeat. They would remain on the calendar and any time the leadership wanted to bring the treaties up, they could do so just by moving to go into executive session, which is nondebateable. So even if we had the votes to maintain a filibuster, we would not have accomplished our goal; we would not have defeated the treaties, because they remain on the calendar, would be printed every day, and could be brought up whenever the leadership thought it had a sufficient number of votes.

More than that, the reason there will be no filibuster, Mr. President, is that, in my judgment, public opinion would not support a filibuster. A filibuster, or extended debate—which term I usually prefer—if it does not have public support, does not have public opinion behind it, is going to fail. The only chance of a filibuster ever succeeding is when public opinion supports it. Public opinion, in my judgment, wants a final determination of this issue. I think public opinion is opposed to the Senate giving its advice and consent to the ratification of these treaties.

Now, I know that it is awfully hard for opponents of the treaties to be in opposition to the leadership of our respective parties. The joint leadership is a tremendous force here in the U.S. Senate. The majority leadership is plenty potent; when you combine that with the minority leadership, you have a force that is very strong, indeed. It is hard to defeat and it is hard to buck.

Then, you add to that the great power of the President and the administration pushing for the approval of these treaties. It does make the role of the opponents of the treaties very difficult, indeed. But I am hopeful that enough Senators will respond to public opinion, which, in my judgment, is strongly opposed to agreeing to these treaties, and that we will, if not able to defeat them in their entirety, add amendments—constructive amendments, substantive amendments—that will protect the best interests of the United States.

Now, Mr. President, going further into the matter of extended debate and the possibility that the leadership might seek to limit debate, I should say that that would not be in the best interests of the approval of the treaties, because, for one thing, we do not know what legislation we are going to be asked to pass in the Senate having to do with the national coal strike. If cloture is ever invoked on this treaty, that blocks everything until the treaty is disposed of, which might take weeks. So I do hope that we will not invoke cloture in this matter, because I do not believe it will hasten the time when we will have a direct vote.

I do not know how long the secret session is going to last tomorrow. If we get out at a reasonable hour, I do plan, on Tuesday, to offer my motion to re-

verse the order of consideration of these treaties. I shall move to go first to the Panama Canal Treaty, which provides for the transfer of the canal over to Panama and the conditions under which the transfer will be made, rather than consider the neutrality treaty, which in the main, has to do with the defense of the canal starting with the year 2000.

I was asked just the other day by a major proponent of the treaties about how long I might possibly take on these treaties. I stated that it was my assessment that if we do reverse the order of these treaties, we shall probably knock a week off the time necessary to come to vote on the treaties. I do not believe that made any impression on this major proponent of the treaties.

Now, Mr. President, we have heard a lot about human rights and the lack of human rights down in Panama. Well, obviously, if we turn over to Mr. Torrijos' government—and that is pretty nearly the same thing as saying Mr. Torrijos—\$100 million a year for the next 22 years, it is going to allow him to perpetuate himself and his regime in office. Dictator Torrijos has promised to do better down there, to do great wonders and all, but, obviously, I place no confidence whatsoever in what he says. Here we are in the anomalous situation of talking about human rights and preserving human rights, demanding human rights all over the globe, and we are handing \$100 million to a government that knows nothing about human rights in order to allow it to perpetuate itself in office. I hardly feel that that is the right action for the U.S. Senate to take.

Another matter, and I mention this because it did come up—it was the subject of a hearing by the Subcommittee on Separation of Powers of the Judiciary Committee—is the provision of the Constitution having to do with the disposition of property of the United States. Article IV, section 3, paragraph 2 of the Constitution says that Congress shall have the power to dispose of and to make all needful regulations with respect to the territories or other property belonging to the United States. That power having been given to the Congress, embracing both the Senate and the House of Representatives, certainly, according to legal scholars, that vests that power in the Congress alone. Yet we see the administration saying that we do not need approval of the House of Representatives to dispose of property of the United States. This approach is unconstitutional and, if consummated, in a legal sense would be void.

While we are talking about property, we hear a whole lot about sovereignty and whether or not the United States has sovereignty or is entitled to operate as if it were sovereign. The fact of the matter is that the United States owns this property in the Canal Zone in fee simple; whether it has sovereignty or not really not important.

We are disposing of the physical property of the canal and the public property and lands in the Canal Zone. Yet the administration is unwilling to allow the

House of Representatives to pass on this issue, even though I understand that more than 218 Members of the House have introduced a resolution asking that this matter be submitted to the House of Representatives, as well.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield to the Senator.

Mr. CURTIS. My recollection is that the hearings revealed that the U.S. Government paid a substantial sum, I believe in excess of \$3 million, to individual property owners.

Mr. ALLEN. Yes, that is correct.

Mr. CURTIS. Owners of farms, buildings, lots, and the like, in Panama.

Mr. ALLEN. That is correct. A much larger sum.

Mr. CURTIS. My question is this: If this treaty is adopted, in whom will that previously owned personal property, in whom will the title be vested for this previously owned property?

Mr. ALLEN. It will be my guess. I say to my distinguished colleague from Nebraska, it would belong to the Government of Panama if the treaties are agreed to. If the treaties are agreed to and the House of Representatives is allowed to act on it and approves it—but I think the contention will be made whether the House acts or not, that the property goes to the Government of Panama. That is my judgment.

Mr. CURTIS. One other question.

Mr. ALLEN. I do not think they want us to own a foot of land down there, or have a single soldier down there.

Mr. CURTIS. Can the Senator tell me who took title to the land back at the time of the original treaty that was adopted when these sums were paid in order to compensate those owners of private property down there?

Mr. ALLEN. I am not absolutely sure. It would be the U.S. Government or an agency of the U.S. Government. I rather believe the Panama Canal Company was set up prior to the transfer of these properties, but I am not absolutely sure.

It is either the Government of the United States or an agency or branch of the U.S. Government.

Mr. CURTIS. Is it not true that the treaty that is before us, the first principal sanction sets aside the old treaty entirely?

Mr. ALLEN. It does, indeed, and that reminds me of another point I want to make, I say to the distinguished Senator.

Mr. CURTIS. In other words, if we approve the treaties before us, we carry over no rights that we had in the existing treaty and are limited only to those rights that this new treaty gives us?

Mr. ALLEN. That is exactly right, exactly right.

Mr. CURTIS. Does that make it more important than ever that Panama, and its chief executives, and this Government, agree on interpretation of what the language in the new treaty provides?

Mr. ALLEN. Very definitely, I say to the distinguished Senator.

Mr. CURTIS. If the new treaty is approved, then so far as any rights of the United States of any kind in that whole

area, we start from scratch and only have those rights specifically given us in the new treaty?

Mr. ALLEN. That is correct, unless possibly the implementing legislation might possibly confer some rights on us. But I would say that in all likelihood the Senator is correct.

I give an example, the implementing legislation might require that this \$319 million that is still owed on the canal might have to be paid or the interest might have to be paid on that, but that would be just on the day-to-day operation of the canal and not basic rights in the canal.

Mr. CURTIS. It is often said that the approval of these treaties before us should not be decided by prejudice or personal interest, but should be decided in the national interest.

Does the distinguished Senator agree with the Senator from Nebraska in the assertion that our national interest is the future operation of the canal, assuring without question all of the rights and prerogatives that this country needs from the standpoint of defense, as well as the passage of commerce through the canal, as well as protection from having the canal used by a nation that might have declared war against the United States?

Mr. ALLEN. Yes, I certainly agree with the distinguished Senator.

Mr. CURTIS. Well, what are the facts in reference to the new treaty and the use of the canal by a nation at war with the United States?

Mr. ALLEN. Under the present treaty, there is a method of preventing belligerents from using the canal. A vessel will have to have been in the Panamanian waters there for a certain time and thereafter it would be difficult for an enemy vessel to go through the canal.

But under the new treaties, we are obligated to let enemy subs or enemy warships ply the canal just like our own ships.

We might have some right to prior passage under the leadership amendment, but we do have to maintain neutrality and that means that enemy warships can use it, just like our own ships.

Mr. CURTIS. And if we sought to stop them from it, we would be running in the face of a solemn agreement if we ratify these treaties?

Mr. ALLEN. That is correct.

Mr. CURTIS. The distinguished Senator from Alabama is an excellent student of history. I would like to ask him, throughout the years that the United States has operated this canal, what has its record been so far as being fair with the commerce of the world?

Mr. ALLEN. Extremely fair. The canal, under the Panama Canal Company, which is an arm of the U.S. Government, has been operated on a nonprofit basis and that is going to end with the approval of the treaties in that Panama is going to skim approximately \$100 million a year out of the operation.

Mr. CURTIS. Is it not correct that from the time the canal started operating until just the last couple of years or so



we never raised the tolls because we agreed to operate it at cost?

Mr. ALLEN. That is correct. I believe it was 4 or 5 years ago, there was a raise. But, of course, under the treaty we start off with a raise of 30 cents a ton that goes to Panama, and also certain other guarantees made there that are supposed to come out of the tolls, but, whether they are sufficient to come out of the tolls or not, that is another way the taxpayer is going to come into play here. If they have deficits there at the end of the term of the Panama Canal Treaty, we are obligated to turn the canal and the Panama Canal Commission over to Panama free of debt, and that includes the \$319 million they still owe on the original Panama Canal.

Mr. CURTIS. Does the Senator from Alabama know of anyone urging the ratification of these treaties and basing his argument on criticism of the way the United States has operated this canal for the benefit of the consumers of the world?

Mr. ALLEN. I believe that any such argument certainly would be refuted by the facts.

Mr. CURTIS. In other words, there is no accumulation of complaints or substantial complaints of any kind against the way the United States has run the canal in the past, so far as accommodating the commerce of the world is concerned?

Mr. ALLEN. Not that I know of.

Mr. CURTIS. What interests of the United States would be advanced by the ratification of these treaties?

Mr. ALLEN. I know of none, except the dubious thought that it is in furtherance of a good neighbor policy, that by giving this tremendous natural asset to Panama, we would create good will for our country. But I think that is very dubious and contrary to recognized positions, because we have found that we have not been able to make a lot of friends through a liberal foreign aid policy.

I know of no friendships we have created, after having dumped about \$200 billion overseas in foreign aid since 1946. I believe there would be less respect for the United States among the countries of the world, including Central and South America, if we were to allow ourselves to be frightened into these treaties.

Mr. CURTIS. In reference to the policy of the United States in matters of world affairs, can the Senator from Alabama think of any instance in which we have withdrawn from a particular area because of the desire not to confront opposition and it has resulted in peace and quiet and self-government and the protection of human rights for the area involved?

Mr. ALLEN. No. I cannot think of any that had that result. I think it is not likely that we will find any such instance, because I believe that human nature is such that if we give an enemy or a potential enemy a mile, he will take 2 miles.

Mr. CURTIS. Does the Senator regard the basic policy, whether to surrender the treaty and attempt to appease mili-

tant minorities, or whatever they represent, as something which will improve the position of the United States?

Mr. ALLEN. No, I do not believe it would. I think it would weaken the position of the United States around the world.

Mr. CURTIS. I thank my distinguished friend for his answers.

I think it is incumbent upon those who advocate the ratification of these treaties, whereby we repeal or set aside the old one, to prove that the United States has not operated the canal in the past for the good of all parties concerned. Does the Senator agree with that statement?

Mr. ALLEN. I certainly do.

Mr. CURTIS. Has the Senator from Alabama, in his very regular attendance here at the debates, heard any speech that establishes proof of the failure of the United States to manage properly the canal for the good of the commerce of the world?

Mr. ALLEN. No. I suggest that it has not been made.

Mr. CURTIS. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator for his very penetrating questions and the opportunity he has given me to reply to them.

One of the provisions of the treaty that the distinguished Senator is questioning reminded me of a provision that during the life of this treaty, 22 years, the States, that we not have the right to negotiate with any other country for the building of a canal, without Panamanian consent. They make the strange argument that that provision was put in the treaty for the benefit of the United States, that we not have the right to negotiate with another nation for the building of another canal across the isthmus.

I hardly see that that is for the benefit of the United States. But they say, "Well, by getting that agreement, we got the agreement that they would not allow another nation to build a canal there in Panama."

That sounds pretty good, until you consider that the United States, under the 1903 treaty, has a monopoly in Panama on the building of transisthmus canals through Panama anywhere in Panama.

So, as the distinguished Senator from Nebraska said, we will have to do away, under these treaties, with every agreement entered into in the past. So if we have agreed in the past that only the United States can build a canal in Panama, they first have us give up that right under the 1903 treaty and say, "Now you don't have that right, and we can give the right to some other nation. So, in return for our not giving any other nation the right to build a canal, you had better agree that you won't build anywhere other than Panama."

So they get us to give up our monopoly and then offer to trade us something we already have, in return for giving up the right to negotiate with another nation for another transisthmus canal. Obviously, doing away with the 1903 treaty deprives us of that right we now have:

and in order to get it back, we have to agree that we will not negotiate with another country for the building of a canal.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for another question?

Mr. ALLEN. I yield.

Mr. CURTIS. We live at a time when all governments find their costs going up, and figures have to be updated every once in a while. Would it be possible for the United States to retain the existing treaty and still give consideration to whether or not the existing dollar payments to Panama should be increased?

Mr. ALLEN. I appreciate the Senator asking that question, because it is something I would like to see done. But there are no circumstances under which I would vote for treaties with Panama—not these treaties—having to do with the canal.

The one thing I would be willing to concede on, provided our rights under the 1903 treaty were preserved, is that we have the right to operate, maintain, and defend the canal in perpetuity, as we now have, the one thing I would be willing to see changed is this \$2.3 million annuity that the United States pays to Panama, that it could get from the tolls—I believe that would be a more proper way of increasing it—I would be willing to see that increased manifold. Tenfold would not shock me in the slightest, even twentyfold, which would get it up in the neighborhood of \$50 million. I would not object to that concession being made.

However, I do think that the only way we are going to protect our national interests and our economic interests is to maintain our ownership, our control, our right to maintain, and our right to defend the canal.

So it would be only in that instance that I would be willing to agree to any new treaty with Panama.

Mr. CURTIS. If the distinguished Senator will yield further for another question: Is it not true that this upgrading of the numbers could even be done without resorting to the treaty procedure?

Mr. ALLEN. Yes. It has been done. It just started out that Panama at the outset received \$10 million and then \$250,000 a year annuity and that has been gradually hiked up to \$2.3 million. So it could be done, yes.

Mr. CURTIS. So this new treaty cannot be urged upon America as a necessary vehicle in order to update the payments in the light of world crisis and many costs that all governments must incur?

Mr. ALLEN. No, it cannot be.

Mr. CURTIS. Again I thank the distinguished Senator.

Mr. ALLEN. I thank the distinguished Senator for his question.

Mr. President, if I may conclude my remarks, I shall send to the desk at the conclusion of my remarks an amendment that I plan to offer to article I of the Neutrality Treaty, if we do not move to the other treaties, as I feel we should, that would make this amendment an addition, in effect, to the thought of the leadership amendment. It does not ap-

ply to the leadership amendment. At another time it will be offered doubtless to the leadership amendment. But this will just amend article I, since it is only article I that can be amended at this time, having to do with our right to defend the canal and our right to maintain troops in the Canal Zone subsequent to December 31, 1999.

It reads:

Provided that the military presence of the United States in what was the Panama Canal Zone on September 7, 1977 . . .

And that is at the time of the signing of the treaties by Torrijos and President Carter—

the military presence of the United States shall be continued beyond December 31, 1999, if the President of the United States deems it necessary for the defense of the canal or the maintenance of the neutrality thereof and shall prior to December 31, 1999, so certify to the Government of Panama.

The distinguished Senator from Idaho (Mr. CHURCH) says that the meaning of this amendment is implicit in the leadership amendment. If that be true, why not spell it out? Why not spell it out if his amendment means the same thing? But the amendment overlooks the fact that by the time his amendment is put into practice all our troops will be out. We cannot maintain a military presence there, and the only recourse that we would have under the leadership amendment is to invade the country. Under this amendment I propose to introduce, we have a right to maintain our military presence in Panama after the year 2000, if the President deems it necessary for the proper defense of the canal and maintenance of its neutrality.

So it just reserves to the President, and we have seen Presidents, present and past, who have been in favor of this Panama Canal Treaty, and I think even the Panamanians could rely upon his bona fides that he would act to retain our military presence there only if it was necessary.

But we do not know what the condition of Panama is going to be. We do not know what form of government it is going to have. We do not know whether it will be under the control of Castro or Russia. It might be an enemy country by the year 2000. Yet we are obligated, honor bound, under the treaties, to pull all of our troops out of the Canal Zone, abolish the Canal Zone now, and pull all troops out before January 1, in the year 2000.

All this amendment that I plan to offer would do would be to preserve an option, a very necessary option, in the United States, acting through the President of the United States at that time.

Mr. President, I shall ask unanimous consent that I might offer in the RECORD a letter to the editor from my distinguished constituent Kenneth N. K. Able, of Huntsville, a letter to the Huntsville, Ala., News, in which he comments in a most constructive fashion on the reason for the need to defeat these treaties. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) News, Jan. 27, 1978]

#### LETTER TO THE EDITOR

Editor, Huntsville News:

Senator Sparkman's Foreign Relations Committee has before it two proposed treaties which would have the effect of dismembering our country by giving away territory and property in the Isthmus of Panama for which our government (i.e., tax-paying public) paid the French Syndicate of Ferdinand de Lesseps, the Republic of Panama, and the Government of Colombia.

Justification of this give-away, plus the granting of additional tribute to the Torrijos Syndicate of Panama, in the name of rectification of an alleged moral wrong, is a brazen test by President Carter of the credulity of a somewhat trusting American public.

There is obviously a far stronger moral case for returning the entire State of Georgia to the Cherokee Nation. Actually, if Carter's casuistic reasoning were pursued to its logical conclusion, the precedent set by these proposed Panama treaties would dispossess white and black Americans, alike, of every inch of what we have long regarded as American soil.

Other arguments to either justify or extenuate these capitulatory "treaties" seem equally preposterous. Regardless of Presidential "interpretations" and oral "understandings," could any person in full possession of his faculties actually believe that either the neutrality or the defense of the Panama Canal would be better assured by the transfer of sovereignty and ownership to a "banana republic" with an "emperor Jones" style of government?

Also, could any sane and prudent adult person really believe that we "Gringos" would thereby be more highly admired and regarded by Latin American jingoists and racists? The foregoing and other attempted justifications may be persuasive for the feeble-minded but are gross insults to the intelligence of mentally competent members of the American public.

What, then, are the real reasons for Mr. Carter's ardor in seeking to despoil our country of a legitimate and valuable asset?

And, why should our moralistic President propose to shower additional American blessings and resources upon a regime which is something less than virtuous in the recognition of "human rights," which permits political activity only by the Communist Party, which adores and consorts with the Castro-Communist regime in Cuba, which has actively engaged in the supplying of narcotics for street sale in the U.S.A., and which negotiates with the U.S.A. on the basis of threat and machete brandishing?

And, how is it that Mr. Carter has proceeded in this manner with supreme disregard of the responsibility of Congress under Article IV, Sec 3, para 2, of the Constitution he swore to defend—and with supreme contempt for the Senate, by staging a theatrical treaty-signing extravaganza to embarrass "the Hill" in its consideration of the "treaties."

Also, may it be asked, what explains the apparent functional illiteracy of the Supreme Court in connection with the above-mentioned Constitutional provision?

In light of recent revelations regarding substantial financial involvements of certain large American banks with the Torrijos regime, don't you agree that responsible handling by the Foreign Relations Committee would necessarily call for the conduct of a thorough and searching inquiry into all White House instructions to the treaty nego-

tiators and into all circumstances underlying and surrounding the negotiation of these America-despoiling "treaties"?

If we are to have "open government" and "open covenants, openly arrived at," the Committee owes no less to the American people than to investigate all these matters thoroughly and to disclose the findings without whitewash. If impeachable offenses have been committed, the corrective procedural processes should be invoked.

Sincerely,

KENNETH N. K. ABEL.

#### AMENDMENT NO. 33

Mr. ALLEN. Mr. President, I send to the desk for printing and to lie on the table the amendment to which I referred in my remarks.

The PRESIDING OFFICER. The amendment will be received and printed and, without objection, the amendment will lie on the table.

Mr. ALLEN. Mr. President, if there are no questions by other Members of the Senate—

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to my distinguished senior colleague, Mr. SPARKMAN.

Mr. SPARKMAN. I remember when we were having hearings on these treaties.

Mr. ALLEN. Yes.

Mr. SPARKMAN. My colleague, the Senator from Alabama, appeared and testified, and I thought he made a very fine impression.

Mr. ALLEN. I thank the Senator.

Mr. SPARKMAN. I remember at the time that he said that he felt that the treaties could be cured—he may have not used that word—with some rather simple amendments. Is that not correct?

Mr. ALLEN. Yes. I stated this, and I believe the distinguished Senator will bear me out on this, that I felt that it needed to be amended in at least five major areas and that the treaty, as so amended by the Senate, could well serve as a blueprint for future negotiations. I did not have in mind it would merely be sent to Mr. Torrijos for rubberstamping by him.

Mr. SPARKMAN. No.

Mr. ALLEN. And then that would be the treaty agreed to.

Mr. SPARKMAN. The Senator is right on the procedure that would be necessary.

Mr. ALLEN. Yes.

Mr. SPARKMAN. But, nevertheless, he indicated that he could go along with treaties of that type.

Mr. ALLEN. I could go along with it if these major amendments are adopted, to send it back for further negotiations, yes.

Mr. SPARKMAN. Yes.

Mr. ALLEN. And then if it came back in that form, after renegotiation, that I felt that it could be approved.

Mr. SPARKMAN. Yes. And as I said, I was very much impressed with the suggestions the Senator made at that time. In fact, I think I commented on it here on the floor.

Mr. ALLEN. Yes. The Senator certainly did. I appreciate it.

Mr. SPARKMAN. I commented that the Senator's testimony was helpful, that



the Senator did suggest amendments, but that if those amendments could be worked out satisfactorily then the Senator felt further negotiation could be held and it might be possible to get a workable treaty.

Mr. ALLEN. Yes; that is true. But it did presuppose not ratification at this time but further renegotiation. Is that not correct?

Mr. SPARKMAN. My impression was that the Senator felt that it could be successfully negotiated. I think I used the expression "could be worked out."

Mr. ALLEN. Yes; and I will say, too, that if the amendments I plan to offer are accepted then I feel that it would be approved here in the Senate, and I would start off with the amendment to which I have referred, that we maintain our military presence there in the Canal Zone if the President deems it necessary for the defense of the canal.

So I hope the distinguished Senator from Alabama, my able and distinguished colleague, will start off, then, by agreeing to my amendment and voting for it as one of the conditions precedent to our agreeing on the treaty.

Mr. SPARKMAN. Well, we will have to see about that as we proceed.

Mr. ALLEN. That is what I rather thought. I thank my distinguished colleague.

Mr. President, I want to pay tribute to my distinguished senior colleague (Mr. SPARKMAN) for his diligent and able work on these treaties in the Committee on Foreign Relations, and for keeping an open mind on the subject, and I appreciate the fact that he has studied this matter and has tried to come to what he considered a treaty or treaties that are in the best interests of the people of the United States.

He and I have independently reached differing conclusions with respect to the treaties, but I do pay tribute to him for his hard work, his sincerity of purpose, and his full and complete consideration of the matter before us at this time.

Mr. SPARKMAN. I thank my colleague.

Mr. ALLEN. I would like further to say that I do regret that my distinguished senior colleague, whom I respect and admire so much, and I have reached different conclusions. I would like for Alabama to speak in a loud voice, "No," with respect to these treaties.

Sometimes when the Senators from the same State differ—I see the distinguished Senator from South Carolina (Mr. HOLLINGS) here. I rather feel that possibly he might be at some point of difference with his senior colleague with respect to the treaties. Ordinarily where the Senators differ on a question, they do cancel their votes. In this case, however, Mr. President, that is not true. And even despite my distinguished colleague's seniority, his great experience, and his prestige as chairman of the Committee on Foreign Relations, on the particular vote of final approval of these treaties, the vote of the junior Senator from Alabama is going to count twice as much as the vote of the distinguished senior Senator from Alabama, and the vote

"No" of the junior Senator from Alabama will not only cancel out the vote of my distinguished senior colleague (Mr. SPARKMAN), but it will also cancel out the vote of one other proponent of the treaties.

So we find that Alabama is in fact speaking out on this subject—speaking in a weak voice, I might say, Mr. President, because of the fact that Mr. SPARKMAN and I do differ, but still Alabama is able to speak out, even if in a weak voice, against these treaties.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized.

Mr. CHURCH. Mr. President, I wonder if the distinguished Senator from Connecticut (Mr. WEICKER) would yield to me for the purpose of a short statement. I do not propose to undertake a full rebuttal at this time, because the Senator has been waiting patiently for the floor, but there was one remark made in the course of the debate—

Mr. WEICKER. I yield to the distinguished Senator from Idaho. I ask unanimous consent that he be allowed to proceed for 5 minutes.

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

Mr. CHURCH. I thank the Senator very much for his courtesy.

Mr. President many statements have been made in the past hour that must have our audience on public radio thoroughly confused if not literally hanging on the ropes. All of these statements will have to be addressed and rebutted in the course of the debate, and the confusion that exists will have to be clarified. But there was one statement that is so striking that I must reply to it at this time. It was asserted that by virtue of the neutrality provision in the treaties we somehow open the canal to warships of other nations, including enemy ships.

Mr. President, this is not just a distortion of the fact, but it is one of such alarming proportions that a reply at this time is mandatory. Under the existing treaty governing the present operation of the canal, the United States is formally obligated to respect and maintain a regime of neutrality. The provisions are written into the Hay-Pauncefote Treaty, and the governing article reads as follows:

The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. . . . Such conditions and charges of traffic shall be just and equitable.

From the moment the United States opened the Panama Canal for international traffic in 1914 the canal has been administered in strict accordance with the terms of the treaty I have just quoted. It has been a neutral waterway, open to the passage of all ships, including warships, of any nation. Nothing in the pending treaty changes this arrangement in any way detrimental to the

United States, and to suggest that it does is contrary to fact.

From the beginning, the United States has protected its national interests by preventing any hostile ships from approaching the canal. Obviously, you do not want to stop one in the middle of the locks. That would be a rather self-defeating way to prevent an enemy vessel from transiting the canal. We stop them out at sea. We prevent them from reaching the canal.

That is what we have done from the beginning, and that is what we would continue to do under these treaties. Let there be no confusion on that score.

I might say, Mr. President—

Mr. ALLEN. Will the Senator yield?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CHURCH. May I have 1 additional minute?

Mr. WEICKER. One minute.

Mr. CHURCH. I might say, Mr. President, that the pending treaties actually improve the position of the United States with respect to this subject, since Panama, for the first time, undertakes an obligation to prevent any foreign troops from occupying any part of Panamanian soil. That is not true under today's arrangement. Under the existing treaties, there is no legal basis for the United States to complain if Panama invited Soviet troops and Cuban troops into Panama and stationed them right up against the fences of the Canal Zone. So, if anything, the position of the United States with respect to both the protection of the canal and the neutrality of the canal is improved under the pending treaty, not impeded. The record should be made clear on that point.

Mr. ALLEN. Mr. President, will the Senator yield me 1 minute?

Mr. WEICKER. Yes.

Mr. ALLEN. As to the distinguished Senator's statement. There was a further agreement, as I understand it, between Panama and the United States, entered into in 1914.

This agreement allows certain vessels neutral status, which was as written into the treaties, but it also requires, as I recall, such shipping to remain in Panamanian waters for 3 months, before transiting the canal, and vice versa. I do not have the document with me at this time. It is called the Protocol of 1914, and I will introduce it into the RECORD later.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. CHURCH. Mr. President, there is nothing in the evidence before the Foreign Relations Committee to suggest that any subsequent agreement altered, obviated or repealed the provisions of the Hay-Pauncefote Treaty, nor is there anything in the record to suggest or imply that the United States ever operated the canal except in accordance with the principles of neutrality as set forth in that treaty.

Mr. ALLEN. How many such enemy submarines transited the canal during World War I?

The PRESIDING OFFICER. Will the Senator from Connecticut yield?

Mr. WEICKER. I yield.

Mr. CHURCH. In the First and Second World War no enemy submarines transited the canal because the U.S. Navy controlled both the Atlantic and Pacific access and prevented them from even approaching the canal. This is precisely what we would do under the new treaty.

Mr. WEICKER. Mr. President, as the Senate begins its debate on the Panama Canal treaties, I am reminded of the words of the gentleman whose birthday we just celebrated, Abraham Lincoln.

Let us have faith that Right makes Might, and in that faith let us to the end dare to do our duty as we understand it.

Really, this is the essence of the argument presented to the U.S. Senate, defining the word "might." Is it defined in terms of a bodily presence, such as has been suggested by various opponents of the treaty?

Is it defined in terms of military hardware, which has been the essence of our foreign policy during the last several decades?

How does one, in the year 1978, define the word "might?"

I do not see why anyone in this Nation should have great difficulty with the answer to the question. The greatest strength of the United States is not in the head count of its military; is not in the numbers of weapons which we possess. It is today, as it has always been, in the spirit of its people. It is the state of our spirit that determines the state of the Union.

I do not see this as a time to question the value of strength of spirit in foreign policy when it comes to our dealings with the country of Panama. But there are those who still would define might in a more traditional sense. In the sense of years gone by, failing to understand that invariably it is a combination of spirit, of arms, of policy. All these in the sum total determine the strength and weakness of any particular nation.

Our own beginnings as a nation were totally contrary to the foreign policy of those times. The United States of America, or rather the colonies, did not have the armies, did not have the weapons, but certainly had the principles and certainly had the spirit which drove them to achievements way beyond any numbers.

So now it is that not only in this hemisphere, but throughout the world, the strength of any nation is going to be measured in more than just terms of hardware, in more than just terms of armies. Rather, it will be in terms of deeds matching the words of any particular philosophy.

As we view the words of totalitarian philosophies, communism included, there is little cause for trust on the basis of the actions of such nations.

In our own hemisphere, and throughout the world; in Africa, the Middle East, the Far East, nation upon nation is waking up, unwilling merely to follow the voices of a few leaders; rather, each one setting its own course in history, demanding the same quality of life as the more fortunate of its neighbors. Therefore, a great opportunity is available to

the United States of America, an opportunity unparalleled in our lifetime: not to impose as a matter of fiat or dictation our philosophy, but, rather, by example to have others reach for it and want to emulate it.

Is there anything to be emulated in the old Panama Canal Treaty, in the terms of spirit, or in the terms of principle, or in the terms of what is right? Is there anything to be emulated?

It was the great technological achievement of its time, but it accommodated the big-stick ideas and philosophies of that time. That is no longer going to work.

I have no fear of our image when the United States is going to be out of Panama bodily. Rather, I anticipate that day when, yes, we are out bodily, but the spirit of this Nation is what remains behind as our strength. That is what is important.

During the past several months since it has become the issue, I have heard every conceivable type of criticism of the treaties except criticism based upon logic and fact.

I do not know what this exercise is that we are all going to go through tomorrow, but I do not think it stands to any great credit of the United States of America to have the Senate of the United States engage in such an exercise.

Is there anyone in this Government, in any branch, who could withstand the type of scrutiny on personal lives which will be applied here during the course of the debate on this treaty? And what does it really have to do with the treaty?

Earlier the Senator from Alabama made reference to his rather simple amendment, whereby our presence is maintained even after the year 1999.

He knows, as well as I, that that entirely destroys the value of the treaty. It is not that we are giving anything away; rather, it is that at the end of 20 years our presence, not only in Panama but in the entire Western Hemisphere, will be stronger than ever because it is an accepted not a forced presence.

Our presence will not be a matter of pieces of paper; belief in the United States of America and what it stands for will not be a matter of a piece of paper, but, rather, will be based upon the deeds of a great nation.

I intend, Mr. President, not only to vote for ratification of these treaties, but I intend to vote for them and speak for them enthusiastically. I intend to be on this floor in the weeks ahead, not merely to have a voice heard, but to respond to those who would take what could be one of our great moments in history and turn it into something shallow, something petty, something offered grudgingly.

There are many Americans who feel we should not ratify the Panama Canal treaties. They are men and women of good sense, good will, and honorable intent. I have no doubt that it would be a very easy matter, indeed, for many of us here to succumb to the polls and, in effect, become pollsters ourselves; in effect, to stand here with a finger to the wind. Well, this is just one of those times when the tough side of the job becomes apparent.

I daresay most of my colleagues would agree that being a U.S. Senator is a wonderful thing. It is a very stimulating enterprise in the sense of colleagues, in the sense of the challenges that confront us every day. It certainly is diverse. Great attention is paid to each of us in terms of the media. Whenever we go to banquets or other affairs the spotlight is on us. That is the nice part of the job.

I remember very well the years I spent serving in the U.S. Army as a second lieutenant, then a first lieutenant, then a captain. Very frankly, I preferred serving in the Army in the capacity of an officer rather than an enlisted man. As to meals, transportation, quarters, privacy, everything, it was a far better way to serve. One day, in the course of one of our firing exercises down at Fort Bragg, the chief of the firing battery came up to me and explained that in the No. 3 gun, a round had not gone off. Would I go ahead and perform my duty? I asked exactly what that was.

He said:

Well, lieutenant, you are supposed to pull the lanyard and wait 5 minutes; then it is your job to open up the breech and clear the round.

All of a sudden, the job of being an officer was not so pleasant. Here was the other side of the coin. I think the time has come in this country, in many respects, for leadership to clear the breech, to understand that that is part of our job also. It is the tough part.

We have come off an unpleasant experience in Vietnam. Nobody is going to deny that. And I am sure some are looking, in an international or diplomatic sense, to regain our manhood.

I do not think we ever lost it. I think, we came to a realization that whatever our quests in this world, logic and facts had better stand behind them if the United States is to prevail.

I feel that, if it is leadership we are looking to regain, we are not going to do it in the traditional sense of beating up on the smallest guy on the block. Rather, we are going to do it in the way of elevating our actions to the idealism and to the high principle to which we have always striven as a nation.

The opposition is based on a bedrock assertion that we should not "give away," as the phrase goes, the Panama Canal. Such arguments, it seems to me, owe far more to demagoguery than to reason. It is a sorry day for America when we can do no better than to say, "It is ours, we built it, we paid for it, and we are going to keep it." That is not an argument that is a petulant, bullying assertion unworthy of a great power.

National pride in the Panama Canal as our moonshot of the early 20th century runs high whenever and wherever it is discussed, and understandably so. We achieved a technological and engineering marvel during the first decades of this century by drawing on financial and technical resources which were uniquely ours. Now, in the last decades of this century, we are called upon to draw on equally rare and powerful resources of fairness and goodwill to re-



turn the canal and the zone which surrounds it to Panama.

Those who oppose the treaties allege that to do so would be an act of national cowardice, allowing our southern neighbors, in effect, to kick sand in our faces.

Mr. President, Panama is about the size of South Carolina, with a population equal to the city of Atlanta. Without casting aspersions on the valor of the Panamanian Guardia Nacional, I submit to my colleagues that they do not pose a threat to the defense forces of the United States. Reasonable people are not apt to suppose that we are letting ourselves be pushed around by Panama.

So much of the argument about why we should keep the canal is based upon perceived historical rights and privileges which belong to the United States as a result of our involvement in this undertaking at the start of the century. The historical record on this point demands closer scrutiny, especially when some Americans believe we are being euchred or pressured out of something to which we have a strong legislative and historical right. So let us consider how we got involved in Panama in the first place.

Since the 16th century, the value of a canal in the Central American Isthmus was recognized. By the turn of the 20th century, when the United States got around to thinking seriously about building one, there was a question about where to put it—in Nicaragua or in Panama, which was a Province of Colombia. A private French group, the French Canal Co., already owned the rights to construct a canal across Panama. The French company offered to sell its interests in the area to the United States for over \$100 million. Because of the price, we decided to build in Nicaragua.

Since their franchise was to expire in 1903, the French company saw the wisdom of lowering its asking price to \$40 million so they could get their money out of the deal.

These arrangements were negotiated by a French agent, named Philippe Bunau-Varilla, who had been the chief engineer on the French project.

The combination of a more reasonable price, plus a volcanic eruption in Nicaragua, convinced our Secretary of State to negotiate a treaty with the Colombian Ambassador in Washington which permitted us to build a canal in Panama and to have perpetual control over a strip of land extending for 3 miles on either side of the canal. For that, we agreed to pay Colombia \$10 million, plus an annual fee of \$250,000.

The U.S. Senate ratified this treaty. The Government of Colombia rejected it. It is understandable that they might have wondered why we were willing to buy out the French company for \$40 million, and yet were only willing to pay Colombia \$10 million for the perpetual use of their country.

The Roosevelt administration put pressure on Colombia to accept the treaty, without success. When Colombia offered to negotiate, the President refused. He called Colombians, "inefficient bandits," and made known, in private,

and very widely, his view that it would help to uncomplicate things if Panama were an independent state. In short order, the American press was full of stories to the effect that the United States would smile favorably upon a revolution in Panama.

In the draft of his state of the Union address in 1903, the President recommended a takeover of Panama. This was deleted from his address, however, because his private messages had already been received loud and clear. On November 3, a revolution broke out in Panama. There had been other revolutions there. The country had once been independent and, in 1821, opted to become part of Colombia. It then spent the better part of the rest of the century trying to regain its independence through revolutions, rebellions, and other expressions of dissatisfaction. But the 1903 revolution was different. That one was financed and organized out of the Waldorf-Astoria Hotel in New York City, and one of the principals in the effort was none other than Philippe Bunau-Varilla; still looking for an angle to get back the French Canal Company's investment.

The United States intervened in the revolution in an interesting way. In 1846, we had concluded an agreement with Colombia by which we would mutually act to guarantee the right of transit across Panama and to keep law and order there. Now, acting under that agreement, we prevented Colombia herself from putting down the revolution in her own territory.

Three days after the revolution began, we recognized the new Republic of Panama. The new government, in turn, signed a treaty giving us the canal rights we hold today, for \$10 million plus an annual fee. And who do you think negotiated the treaty for Panama? Our old friend, and the newly appointed representative from Panama in Washington—Philippe Bunau-Varilla, the agent for the French Canal Co., which, when all was said and done, finally got its \$40 million out of the deal.

Our dealings with the French Canal Co., the involvement of U.S. political figures like Mark Hanna, the questions of who got paid for what, and how the money moved, are all matters which are still largely shrouded in secrecy. Roosevelt later wrote that what had occurred, had been done "in accordance with the highest, finest, and nicest standards of public and government ethics." That is difficult to substantiate from the record. Some years later, Teddy came closer to the apparent truth when he boasted, "I took the Canal Zone."

If there is any cause for pride in these events, it exists in the fact that many Americans at the time were ashamed of what had been done and protested it.

In 1921, our Government indemnified Colombia to the tune of \$25 million for our role in the so-called revolution which got us the Panama Canal Zone.

I do not think it is unpatriotic to say this episode does not constitute a shining, golden moment in American history. There is only so much that can be undone. Obviously, Panama is not go-

ing to go back under Colombian control. However, legitimate or illegitimate her birth or her rebirth, she exists—a sovereign state—the youngest republic in the Americas. And part of her sovereignty was signed away for profit by a French agent for a French corporation, with the connivance of American politicians. From the standpoint of the Panamanians, one does not have to be a raving Communist to object to the U.S. presence there.

This is why I question the constant vamping effusions about pride in our involvement in Panama. We can be proud of the technological achievement. We can be proud of the organizational achievement. However, we do not need the Panama Canal as an eternal monument to our technological and organizational abilities. These are fully acknowledged and respected around the world.

I would rather see the Panama Canal established as a testament to our strength, our self-confidence and our essential fairness—and that will be done by restoring to Panama the rights that were signed away by Mr. Bunau-Varilla 75 years ago.

Just in recounting the events of our involvement in that part of South America, it certainly has to bring to mind some of our involvement of recent years, involvement that we now, in many formal ways are rejecting. Yet, for some reason or other, we still want to continue this last vestige of our one colonialist experience.

The "fatal flaw" in these treaties pointed out by many opponents is the potential crippling effect they would have on our national defense and security.

Before we begin conjuring up the ghost of the domino theory in Latin America or fantasizing about Soviet and American ships queuing up to transit the canal enroute to lambast each other's targets, let us recognize the essential fact that the military exigencies of 1978 are a far cry from those of 1903.

Many of us find it hard to convince our colleagues in this Nation that the exigencies of 1978 are far different from those after World War II. Certainly, no one will deny the change that has taken place since 1903.

One inspiration for our involvement in the canal in the first place was the fact that it took 69 days for one of our battleships to come around Cape Horn from the Philippines to Cuba during the Spanish American War.

Today—we have large fleets in the Atlantic and the Pacific.

Today—the speed of our vessels is twice or three times what it was at the turn of the century.

Today—we have naval vessels which will not even fit through the canal.

I can think of nothing easier than putting the canal out of commission today, should an enemy choose to do so.

I can think of no more inviting target for a belligerent than a string of U.S. warships threading its way helplessly through the canal.

I can think of no better way to tie up substantial U.S. forces than to draw

them into the Canal Zone in a futile and debilitating effort to keep the canal open in the face of a hostile populace.

Let me stop at that argument, because it is used in a threatening way by those who are opponents of the treaty. Allusion to the fact that the populace would be hostile is used to imply unacceptable blackmail. Would we be hostile if there were an enclave owned by some foreign nation in any one of our constituencies? I would imagine so. So why is it not factual to state that such a hostility would exist? And why deem it unusual or a blackmail tactic?

The defense arguments over the canal suffer from one central and internal contradiction. Any war sufficient in magnitude to make the canal a strategic necessity would almost certainly be one which would make it a strategic liability.

I do not want to live with the tactics of 1903 in 1978. I do not want to live in 1978 with the conceptions of a world that existed in 1903.

There are those who would concentrate all their efforts, both in a diplomatic and a military sense, in the Far East, in the Middle East, in Africa, totally in disregard of that area of the world closest to us. This is our first priority: The Western Hemisphere, South America, Central America, the Caribbean.

We are a free people. It is a freedom which we believe in, which we perpetuate, and which, as every day goes by, we try to give greater meaning to. Why, then, a reversal of that attitude on the international scene as it applies to our closest neighbors?

In the military sense it is proper to turn to those who are the experts. Here the Commander in Chief and the Pentagon are satisfied. Our Joint Chiefs of Staff and the Secretary of Defense, who were involved in negotiations on a day-to-day basis, have endorsed the treaties. Those who are opposed are the former Chiefs of Staff, the former admirals, the former generals. It is not the "former" in whose hands I expect to put my life or the lives of my children. It is those who have that responsibility today and into the future. They have spoken clearly on the point that is of greatest concern, and properly so, to all of us—national security.

The only refutation of their testimony has been that they are pressured to support the treaties, and I think that is an insult against men of honor and character and intelligence.

Believe me, we are wise in the ways of Washington. If somebody wants to have their feelings known, they will have them known, if not before Senatorial committees, then through the media. So those who have the expertise, in a military sense, have spoken and are unqualifiedly for the treaties.

They have said they are not interested in ownership but, rather, in the use of the canal and that use has been guaranteed in the national security sense.

Another specter commonly raised is that of a Soviet enclave being established in Panama as a result of a return of the canal. I should like to address that issue, in response to some of the comments

made by opponents of the treaty which comments imply a soft on communism result from treaty ratification.

First of all, let us understand that the opponents of the treaty in Panama are those political parties that are to the left of the Communist Party. They are all opposed to the treaty. The Communist Party of Panama is opposed in part to the treaty, specifically that part of the treaty which says that the United States has the right to guarantee the neutrality of the canal. They want the United States out entirely. Why are these leftist elements against the treaty? Because as long as the present situation exists, it is the climate in which they thrive.

So as to this shooting from the hip, such as comments of Torrijos being a Marxist dictator—that he is not—and we are giving something away to radical elements on the left, the exact reverse is the truth. If you were on the far left in Panama and committed to violence, believe me, you would want the present state of facts to continue; 1903 treaties is the climate in which violence occurs.

What is the Soviet experience in the Western Hemisphere to date? Obviously, the most prominent one that comes to mind is their close association with Cuba. What is the result of that association? Cuba is an economic liability to Russia, which we should see as a plus. What she—Cuba—gets out of the deal is the opportunity to send her sons to die in dubious battles on behalf of the Soviet Union in Africa and the Middle East and, yes, in South America.

I do not think the success of either the Soviet Union or Cuba has been outstanding in any respect. The dismal example of Cuba is probably the best insurance we can have against serious flirtation by any nation in the Western Hemisphere with the Soviet Union.

Now, it seems to this Senator that much of the resistance to the Panama Canal Treaties is found not so much in the prospective liabilities of the agreements but in their value as a political and a philosophical rallying point.

From the onset of the Republican primaries in 1976, we have watched the Panama Canal come around and around and around, with the colorless monotony of a carousel carrying only one horse.

With the broad and rich vein of social, economic, and political concerns which American conservatives could and should mine in redressing the political imbalance of America, it is saddening to me that no issue more compelling than Panama is chosen as the banner beneath which to assemble. It argues a lack of imagination, creativity, intellectual sensibility, and political sensitivity in the section of the ideological spectrum upon which we must rely to keep balance in our national politics.

If any one of us went to any street in America today and inquired as to what the principal issues of concern were, we certainly would get energy, we certainly would get the response of inflation, and we certainly would get the response of employment—of employment opportunity, of education. This is what should be addressed by all philosophies and all parties.

But instead there are those who look upon this as their moment of opportunity. I think it is a moment of opportunity in the national sense—in the sense of making it clear what it is this country stands for.

For too long America's words have had to stand alone, without the activism or the deeds behind them which give meaning to those words.

We have been through an orgy of celebration as to what it is this Nation has stood for over the course of 200 years and now the time has come, it seems to me, to write our own chapters in terms of our own lives and our own experiences. This is what is important, 1976 was never as important as 1977 and beyond.

This is the moment when we decide for ourselves and for our children what the definition of "strength" will be. This is our moment when we bring practical, useful glory to the concepts of America. This is our chance to leave a rather bleak period of history behind and to win that real battle for men's minds which is taking place.

If Cuba and those that follow the Soviet banner take their sons to war and leave them dying in foreign lands, let that be their testimony. If the United States does not compromise its great principles abroad but keeps them as pure and as whole as we insist for ourselves, let that be our testimony. Yes, nations of the world look to us, but in order to retain their gaze we better have a picture worth looking at.

I remember when the world laughed at us through our constitutional processes we put our own house in order. It was a world that had come to accept cynicism, corruption, in some measure or another as a necessary part of governing. It was only the great strength of this Nation that made stick, idealism being important, integrity being important. And the world that laughed at us, nation by nation came to accept the principles which we established. We did that not by force of arms but by virtue of what we stood for and what we stood for being right.

We are a free people in a free land. Why should we wish anything less for anyone else anywhere else? Not some diluted or modified version of democracy but exactly what we expect for ourselves.

Our strength as a nation is derived from the spiritual commitment which we have made to human freedom and national self-determination.

The United States does not have the population to be the greatest nation in the world. It is not there. Figure it out yourself. It is probably what, 6, 7, 8, 9, 10, down the population totem pole. We do not have the land mass to be the greatest nation in the world. It is not there. These are not matters of speculation or conjecture. They are matters of fact. We are not No. 1 in natural resources in the world. So we do not have the population, we do not have the land mass, we do not have the natural resources.

Just how is it that we became No. 1? What did we draw upon? What was it that brought us to our present state of



affairs? Sometimes I think we forget the origins of our national greatness. It is because we had something inside, some spirit that had us perform way beyond our capacity as measured by traditional yardsticks.

And the minute this Nation is willing to compromise or sell off a little bit of that spirit or a few of those principles our days are numbered as being the greatest nation in the world.

No, not freedom, in its full essence, for every American and not for somebody beyond our boundaries. We have been through that exercise.

We did not defend real estate in the great confrontations of the past by this Nation. We defended principles, and we fought for them. That spiritual commitment to freedom, to self-determination; American lives defended those commitments from Yorktown to Normandy, to Selma, Ala. I tell you that those who would have us deny Panama's legitimate right to be master of its own house give away far more than a canal; they compromise our basic strength.

The difficulty for many on this floor is that when jobs are spoken of and polls taken, ditto inflation, taxes, homeowning, education, these are the tangibles, these are what human beings easily relate to. It is the grist of politics. It is the subject matter of the poll taker. But how do you make anybody realize the importance of the American spirit? It is not an easy job politically. It is not something correctly asked as the right question in a poll. And yet without it, I think we are a very small nation indeed.

But because it is important many on this floor are going to stand up and do something quite contrary to what seems to be in their best political interests.

The real essence of this job, or rather the trust of this job, has nothing to do with politics. It has a great deal to do with a nation and its future.

The relationship we have maintained with Panama, under the terms of the 1903 Hay-Bunau-Varilla Treaty is a bad advertisement for American democracy. It is a horrible advertisement. It perpetuates a memory of our one unfortunate brush with imperialism, and, very frankly, provides a propaganda platform for those who want to degrade us before the world. Most importantly, it blurs what should be for the peoples of the world a crystal-clear distinction between the American and Soviet systems as manifested in foreign policy.

The United States was never meant to be a democratic rerun of the colonialism of the European monarchs or the totalitarianism of Communist central committees.

The treaties before us dispel once and for all the impression that this democracy, idealistically and outspokenly committed human freedom and national self-determination, could perpetuate a state of affairs for the people of Panama which it would not tolerate for its own.

Mr. President, today, in 1978, the emerging nations of Latin America and the world are testing the values of democracy and totalitarianism by how each system lives up to its ideals at home and

honors them abroad. With the growth of freedom at stake, our words had better match our deeds.

We must as a people put aside the concept that a nation's strength is measured only in its armaments, its GNP or its natural resources.

What good are any of these things without a committed people, without a motivated people? Like all of you, most of my colleagues on this floor, anyway those of my age or older, whenever we saw versions of the Star-Spangled Banner, they inevitably were illustrated with both flamboyant and gory battle scenes of the American Revolution; meant to exemplify patriotism. I commend to each of you an illustrated version of the Star-Spangled Banner by Peters Speir which differs from the traditional version. Illustrating the first words of our national anthem there are the traditional paintings of the bombardment of Fort McHenry with which we are all familiar; but then when it gets to the second stanza, discussing our strength, there are pictures of combines in a wheatfield, of scientists in a laboratory, men on the moon, bulldozers in an urban area. This is the strength of the United States of America also. Not exactly what I was taught, any more than this experience with Panama is what I was taught; but it is the truth, and it is as much this Nation as our military prowess. Indeed it should be more so if we are to prevail in the future.

I started off with the words, and I will end with them—I cannot think of any better—"right makes might." That is why this treaty is going to pass this Chamber. No one can doubt or will ever doubt the technological superiority of the United States of America. I want this occasion, though, to be a superior first step on the march to our next centennial.

What is it that my generation and the generations of my children and grandchildren will have stood for? And did we have the guts to take our stand when it meant something? Not years and years from now, when obviously the circumstances or the times would make the treaty an easy choice—and it will be so; you know that as well as I do.

Our battle today is against vestiges of the past. We are going to have a treaty. But why not do it when it is a test of character, when it means something to vote "aye"?

Like anything else, you can measure the success in terms of the gamble. There is a great prize at stake here for the United States and for the principles that we stand for in this battle for men's minds across the world and in our own hemisphere.

Ours is a decent nation. Ours is a fair nation, and ours is a nation that has the courage to make both those traits stick. That is the United States I remember. That is the one worth dying for.

Again, not using my words, but in the words of James Russell Lowell:

Then it is the brave man chooses  
While the coward stands aside,  
Till the multitude makes virtue  
Of the faith they have denied.

The name of the song: "Once to Every Man and Nation."

There will not be many more times in our lifetime when we have such an opportunity. The words, the principles of the Constitution of the United States have not changed. And now comes that test of our ability to take those words and act them out. It is not easy at home, or abroad. Recently, one of our colleagues recently died, and no man more thoroughly used a lifetime to try to make America's words come true. To a large degree he stood alone. While observing Hubert Humphrey's funeral the other day, I could only think to myself that if someone really wanted to pay a tribute to Hubert Humphrey, maybe a few of those who made it because of Hubert Humphrey, could pay tribute to the man by standing alone for someone else. That would be a real tribute.

About a year ago—in making a high school commencement address, I told the graduating class:

I could wish nothing better for each of you than that once in your lifetime you would stand alone on behalf of somebody or something.

If the millions of people in this country would do that all at the same time, that would define the United States of America. It would be a strength nobody could lick. We would have recovered from some dim years in our recent past. Once again, we would be the strongest Nation in the world.

I yield the floor.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. WEICKER. I yield to the Senator from Maryland.

Mr. SARBANES. I want to thank the distinguished Senator from Connecticut for a very eloquent statement, and particularly for understanding that these treaties give the United States an opportunity to stand for something.

The Senator referred to Senator Humphrey. I ask unanimous consent, Mr. President, to have printed in the RECORD at this point the statement which Senator Humphrey submitted to the committee when we were considering the treaties. He felt so strongly that these treaties represented an opportunity for the United States along the lines on which the Senator from Connecticut has spoken so eloquently that he was motivated to submit a special statement to the committee. I have asked unanimous consent that that statement be printed in the RECORD at this point because it follows along so closely with the eloquent statement which the Senator from Connecticut has made.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR HUMPHREY

I have followed this issue very carefully and discussed the treaties with the President by telephone. I have pledged to the President my full and active support for the treaties. An important goal of these negotiations has been the establishment of a modern and mutually acceptable treaty relationship between the United States and Panama which provides for the efficient operation of the

important waterway that will continue to remain open to all the world's shipping.

This has been the bipartisan goal for four Presidents, Johnson, Nixon, Ford, and Carter, who above all others have the responsibility for the national security of our country. The United States has lost nothing through these treaties. We have not given up anything. Clearly, no international relationship negotiated more than 70 years ago can be expected to last forever without adjustment.

In sum, the new treaties, based on partnership, give the United States the rights we need to restore the crucial ingredient of Panamanian consent and strengthens our mutual interest in a well-run and secure canal. The viability of any treaty depends on the underlying consent and shared interests of nations who are party to it.

Panama and our Latin American neighbors long have been dissatisfied with the 1903 treaty. This declining level of consent transcends any one government and now encompasses Panamanians of all strata.

There are some who claim that the proposed treaties will have an adverse effect on our security. However, the Panama Canal issue affects our relationships with other Latin American nations who view it as a test case of whether or not the United States will move into a more mature relationship with our neighbors in the Western Hemisphere.

Senate approval of the treaties will add substance and character to the good neighbor policy first enunciated by President Roosevelt.

The U.S. image and its leadership ability are under careful scrutiny around the world. Some Americans express concern that our national prestige would be diminished by the new treaties.

But in my view the case is just the opposite. The 1903 treaty is viewed abroad as one-sided and anachronistic, a holdover from a colonial era which other nations have discarded.

The ability of the United States to work through this emotion-fraught issue at home through ratification of the treaties in the Senate will be viewed abroad by friend and foe alike as a sign that we can make necessary accommodations to a changing world.

In essence, a new treaty relationship based on the concept of partnership and similar to other agreements with our allies throughout the world offers a tool that will better protect our basic interests.

**The PRESIDING OFFICER (Mr. HODGES).** Under the previous order, the Chair recognizes at this time the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer. Mr. President, I ask unanimous consent that the Senator from Hawaii (Mr. MATSUNAGA) be recognized at this time without prejudice to me under the order.

**The PRESIDING OFFICER.** Without objection, it is so ordered. The Senator from Hawaii (Mr. MATSUNAGA) is recognized.

Mr. MATSUNAGA. Mr. President, I rise in support of the Panama Canal treaties now pending for ratification by this august body.

I support the treaties, because in my judgment, it would be disastrous for both Panama and the United States if the Senate did not ratify them. In trying to decide the issue before us, we must bear in mind, first and foremost, that the canal is worthless to us unless it can be

kept in operation and we are able to use it.

The question then arises: In the event that the U.S. Senate rejects the treaties, and hostilities between Panama and the United States should ensue, could we adequately defend the canal and keep it in use?

In search of an answer, I went to Panama 3 months ago with the distinguished Senate majority leader, ROBERT BYRD, and five other Senators. While I was there, I inspected the canal. I took a helicopter tour of the Canal Zone, and I visited a remote island Province of Panama, I talked with Americans who live in the Canal Zone and with those who live in Panama proper, with American military and business leaders, with Panamanian leaders, including Gen. Omar Torrijos and President Demetrio Lakas, and with Panamanians who voted for and others who voted against the treaties in their plebiscite of last October.

My firsthand observation of the situation in Panama convinced me that Gen. George Brown, Chairman of the Joint Chiefs of Staff, was right when he said that in the event of hostilities between the United States and Panama, we could not adequately defend the canal and keep it in use, even with 100,000 troops. General Brown, of course, was speaking in the realistic expectation of guerrilla-type hostilities.

As a former infantry officer, while helicoptering over the canal and viewing the dense tropical jungle extending for miles, right up to the canal on both sides, I came to the conclusion that any determined band of guerrillas could keep the canal completely shut down over extended periods of time and render it useless in the event of an emergency.

I was convinced, as were the other visiting Senators that the operation of the canal would be indefensible in the event of hostilities between the United States and Panama, as distinguished of course, from hostilities between any other nation and the combined defense forces of Panama and the United States. The manmade freshwater lakes that supply the canal's water, its complex lock system, and its electric power supply are just too, too vulnerable.

A single breach in the Lake Gatun Dam, the canal's major water source, would close down the canal for as long as 2 years, the time it would take rainfall to refill the lake. The sinking of a ship in the lock system—which would be technically easy to accomplish—would bring canal operations to a halt for a long period of time.

We are living in a world where terrorism runs rampant. And it will not take much terrorism to close the Panama Canal. Justifiably, ship owners themselves would refuse to sail their ships through the canal so long as a real threat to their safety prevails.

The new treaties are the best guarantee—in fact, the only guarantee—we have to avoid hostilities and to keep the canal open for our unobstructed use.

Every businessman in the United States should be aware of how the closing of the Panama Canal would affect

U.S. trade. Every American should know that such closing would adversely affect his or her daily living and the security of this country.

Because the new, bigger ships, including supertankers carrying Alaskan petroleum to gulf or east coast refineries, cannot fit into the canal, the canal is becoming less crucial to our trade with the passage of time. However, 16 percent of American trade still goes through the canal. By comparison the percentage of U.S. intercoastal trade passing through the canal in 1924 was as much as 50 percent. Similarly, 1,265 U.S. military vessels went through the canal in 1949; in 1976 only 85 made the same journey.

America needs to use the canal. And there is every reason to expect that we will be able to continue using it freely—if we ratify the treaties.

There is a further need for ratification of the treaties, ratification would set right what is unquestionably an ugly chapter in American history. An examination of the events leading up to the signing of the 1903 treaty, under which we now operate the canal, supports this judgment.

Up until 1903, Panama was a Province of Colombia. The United States had sought a treaty to construct the canal with Colombia, the country that owned the land. The treaty was negotiated. But the Colombian Senate refused to approve it.

A Frenchman, Philippe Bunau-Varilla was the chief engineer for the French company that had gone bankrupt trying to build the canal.

Bunau-Varilla, who was a great entrepreneur, talked the United States into sponsoring a Panamanian revolution against Colombia—in exchange for the right to build and operate the canal.

Bunau-Varilla, the Frenchman, planned the revolution, literally wrote the original Panama Canal Treaty of 1903, and even signed the treaty for Panama on November 18, 1903, all before the official Panamanian delegation arrived in Washington to begin negotiations. What is even more incredible is that no Panamanian had even seen the treaty before it was signed by the Frenchman and our own Secretary of State.

Theodore Roosevelt, who was then President, took credit for the revolution and extended official American recognition of the new State of Panama within 3 days after the revolution. The hastily drawn treaty was signed by Secretary of State Hay for the United States on November 18, 1903, only 15 days after the revolution.

Here is what Bunau-Varilla told Secretary Hay just before the treaty was signed:

For two years you have had difficulties in negotiating the Canal Treaty with the Colombians. Remember that (at that time) the Panamanians were still Colombians. You have now before you a Frenchman . . . do it now!

Secretary Hay said the treaty was "vastly advantageous to the United States, and we must confess, not so ad-



vantageous to Panama." Bunau-Varilla made one thing certain—that included in the new treaty, just as it was in the proposed treaty rejected by Colombia, was a provision for the payment of \$40,000,000 by the United States to the French for equipment and materials used in the unsuccessful digging of the canal by the French.

You can easily appreciate why many Panamanians did not like the treaty from the very beginning. In 1936 and 1955, the Panamanians persuaded the United States to make minor changes in the treaty for their benefit. In 1958, riots broke out in Panama when nationalists attempted to raise the Panamanian flag over the canal. Several Panamanians were killed in the incident.

In 1963, in an effort to calm the situation, we began flying both our flag and the Panamanian flag over the Canal Zone. But there were more riots. Finally in 1964, after 20 Panamanians and 4 Americans were killed, we consented to renegotiate the treaty. That renegotiation took 13 years, and was supported by the two Democratic and two Republican Presidents who served during that period.

Mr. President, in trying to decide whether to support the new treaties or not, we need also to try to understand the Panamanians' point of view. In our dialog with the Panamanians in November of last year, we visited Americans were told that what they want most is to regain their "national dignity." They are hurt by the fact that a foreign nation has complete control over their greatest national resource and primary means of transportation through their country.

The United States operates the canal and controls a strip of land 10 miles wide that runs completely across the middle of Panama. The Panamanians feel that only with the return of the Canal Zone to their control will they be able to express genuine pride in their country and walk with dignity as citizens of the Republic of Panama.

That is why they rioted in 1959 and 1964. That is why they pushed so hard for renegotiation of the treaty of 1903. That is why they support the new treaties overwhelmingly.

In fact, all of Latin America resents the old 1903 treaty. Ratifying the new treaties would be a major step, indeed, in improving our international relationships in our own hemisphere.

Let us now take a brief but close look at the objections which have been raised against the treaties.

The opponents of the treaties have said, "We bought (the canal) and paid for it. It is ours just as much as the Louisiana Purchase and Alaska are ours." They call the canal our sovereign territory.

The truth of the matter is that we do not own the canal. We never did. We are only leaseholders, highly privileged as we may be.

The 1903 treaty, under which we currently operate, says we are given the "use" of the Canal Zone. It does not say we own it. It, in fact, states that "the

sovereignty of such territory (is) vested in the Republic of Panama." The United States is only given authority as "if it were the sovereign." The language of the 1903 treaty makes it unmistakably clear that the United States is not the sovereign, Panama is.

For the use of the canal and Canal Zone, we have been paying an annual rental fee to Panama. Until 1935, the fee was \$225,000 a year. For 16 years thereafter, we paid \$1.9 million annually. We now pay \$2.3 million a year.

Evidence in other areas points to our own recognition that we do not own the canal. For one thing, under our Federal Constitution, any person born on American soil is automatically an American citizen, regardless of parentage. However, a person born of non-American parents within the Canal Zone is not a citizen of the United States. Some of my colleagues may be aware of the fact that when the State of Hawaii was a Territory of the United States, a person born of alien parents in Hawaii automatically became a U.S. citizen. That is the basis of my own precious U.S. citizenship. This is not the case in the Canal Zone.

In addition, the Canal Zone's ports are considered foreign ports for postal mail purposes, and goods shipped from the United States to the Canal Zone are considered a part of foreign trade.

Opponents of the treaties are saying the treaties propose a "giveaway" of the canal. We certainly cannot give away something that is not ours.

The opponents of the treaties have also argued that they should not be ratified because they were signed by General Torrijos, a tinhorn dictator who cannot be depended upon.

General Torrijos may be a dictator—but he certainly is not a stereotypical dictator. He has the unmistakable support of his people, and walks among them even without bodyguards or arms. I know because I was with him on a couple of his walks. And he does not use terror and torture to govern. In fact, after signing the pending treaties, he sought and obtained, by a two-thirds majority vote, their ratification by his people through a plebiscite, overseen by United Nations observers.

Panamanians may not enjoy the same civil rights we Americans do, but their government under Torrijos does not systematically deny them their rights.

It is important to look, not only at Torrijos' failings but at his accomplishments—not only what he has not done, but what he has done.

As a tinhorn dictator, Torrijos has done exceedingly well by his people. Since he came to power in 1968, he has doubled the number of schools. He has improved marketing facilities for small farmers, and built hydroelectric plants. And he has instituted a low-cost housing program for the poor in urban and rural areas.

And he plans to do more. As part of the treaty agreements, we have promised \$50 million in foreign sales credits to Panama over the next 10 years. General Torrijos told our delegation of Senators that he does not plan to spend this

money for weapons. He will use it to send promising young Panamanians to college and to make them bilingual and trilingual so they can take over the complex operations of the canal in the year 2000. And he plans to buy helicopters and train pilots in each province of Panama to provide emergency medical aid.

Critics of the treaties have floated the rumor that General Torrijos is a Communist and that he plans to lead his country to communism.

I see no reason to believe that there is any truth to the rumor. When I was in Panama, I spoke to a cross section of American residents and Panamanians. None of them believed Torrijos is a Communist.

During one of our conferences, General Torrijos was asked whether he might turn the canal over to Cuba or Russia once the treaties were ratified. His response was that he did not want to see "Panamanian waters infested by Communist sharks."

At another time, he told us he had strong feelings about the issue. He said:

If I tried to lead my people to communism, they would throw me out, and if, despite my position on this issue, the people would take up communism, I would leave this country!

The President of Panama, Texas-educated Demetrio Lakas, who talks and acts like a Texan, is well known for his anti-Communist position. When asked about Torrijos, he said he was sure Torrijos was not a Communist and he would be willing to stake his life on it.

Consider this fact, too, that under Torrijos' leadership Panama has not even recognized the Soviet Union or the People's Republic of China. No diplomatic relations exist between Panama and the two foremost Communist nations. The truth of the matter is that we are on friendlier official relations with the Communist nations than is the Republic of Panama.

Despite the controversy over the treaties, my trip to Panama convinced me that the people of Panama are fond of Americans. And they tend to follow American leadership.

As a matter of fact, many of the present leaders of Panama are American educated, including General Torrijos.

Having said this about communism and the people's leanings in Panama, I do not want to leave the impression that there is absolutely no danger of a Communist takeover. There is.

I believe that a negative vote by the U.S. Senate on the pending treaties would be the greatest possible boost for communism in Panama. The enormous frustration that the Panamanians would feel would help the Communists convince them that the United States is an imperialist nation, bent on exploiting weaker nations.

Right now the Communists are the only ones in Panama working against the treaties. Their one issue will disappear when the treaties are ratified. Our voting down the treaties would give the Panamanian Communists new life.

Let me turn now to another argument frequently raised against the treaties—the lack of human rights in Panama.

Basically, this issue is not relevant to the treaties, except in the use of the treaties to win concessions from Torrijos, which we have.

During our final meeting with Torrijos in Panama last November, we urged him to repeal the law that permits detention, without due process of law, of persons accused of committing a crime, political or otherwise. He said he would discuss the matter with his advisory council, and only a few weeks later he announced its repeal. He also promised to allow more freedom for the Panamanian press. And he assured us he would allow political exiles to return home after the treaties have been ratified. I am confident, after having met the man, that he will keep those promises, too.

These are major concessions. He made them because he wants us to approve the treaties. In fact, he even said that he would be willing to resign from his present leadership position if such action would help in getting the U.S. Senate to ratify the treaties.

It should be noted, too, that Amnesty International, the organization which recently won the Nobel Peace Prize for its human rights work, was not sufficiently concerned about the human rights situation in Panama to mount an effort there. There were more human rights problems in other Latin American countries. And Amnesty International found few prisoner violations in their investigation in Panama.

Amnesty International did find political exile violations. But, as I mentioned earlier, General Torrijos promised Senator BYRD and the other visiting Senators that he would allow those exiles to return to Panama after the treaties have been ratified. He fears that prior return would create open agitation against the treaties led by these returnees.

Another criticism lodged against the treaties is that we would be paying the Panamanians millions of American taxpayers' dollars to take the canal off our hands. It is just not so.

During the period that we continue to operate the canal, toll rates will be increased to make up for the added payments. We should be paying in fact, additional sums for the maintenance of military bases that we now maintain in Panama, and if we continue to maintain them, just as we do in Greece, Spain, Turkey, and the Philippines. The truth of the matter is that we have not paid Panama a cent for use of our military bases there in 74 years.

We will be setting up a package of loans, loan guarantees, and credits for Panama. But most of these will promote trade and investment by American companies there, and the loans will be paid to the U.S. Government.

The one legitimate question that has come up since the canal treaties were signed is a military one: Does the United States have a right to intervene militarily if the neutrality of the canal is threatened? To clarify the language of article IV of the Neutrality Treaty, President Carter and General Torrijos agreed

to a "Statement of Understanding" that the United States will, indeed, have that right. Also, the statement of understanding assures us that our ships will have the right to "go to the head of the line" in an emergency.

I personally believe that these two issues are dealt with adequately in the neutrality treaties as signed. However, I realize that many of my colleagues do not share this view. I have, therefore, joined as a cosponsor of amendments 20 and 21, which would incorporate into articles IV and VI of the Neutrality Treaty the exact language contained in the statement of understanding. Inasmuch as 78 Senators are listed as cosponsors of these amendments, their adoption is assured. The one legitimate objection which then can be raised against the treaties will be removed, and every Senator should be able to vote for ratification of the treaties with a clear conscience.

There is no denying that there is something in us as a nation that wants to stand up and say, "We've had enough. We're not going to be pushed around by anyone any more. Let's have no more Vietnams."

We want to take pride in the greatness and strength of our country—indeed, the greatest and strongest in the world.

But we must remember that above all greatness and strength is the will to do that which is right.

We may not be ecstatic over the proposed Panama Canal treaties. But we need to bear in mind that we can either ratify the treaties, and guarantee our right to use the canal, or we can vote them down and thereby virtually guarantee open warfare in the Canal Zone and the shutting down of the canal.

We may not like the choice between these two alternatives. But they are the only alternatives.

I am not saying that the existing treaty of 1903 is not valid. It is. But we must recognize that it smells of long-dead colonialism, as has been pointed out by many who have preceded me on the floor.

Since we signed and ratified that treaty, many changes have occurred in the world. We must change with the times or pay the consequences.

To summarize:

First and foremost, we need to keep the canal open.

Second, in our own good interest, we need to be concerned about how other nations see us. We need to be on good terms with the people of Panama. And we need to get going on a new good-neighbor policy in Latin America.

Third, and even more important, we need to be concerned about how we see our own selves.

This great country of ours was born of a revolution for the right to self-determination. We have fought for other peoples' right to self-determination. Let us not deny that same right to the Panamanians and try to understand that their yearning for self-determination and national dignity cannot too long be contained.

The understanding which is demanded

of us now is the spirit of liberty that was once described by Judge Learned Hand as follows:

The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the mind of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own . . .

Mr. President, I urge my colleagues to vote to ratify the Panama Canal treaties so we who proudly call ourselves Americans may prove to the world that we are indeed dedicated to the true spirit of liberty.

Mr. SARBANES. Mr. President, will the distinguished Senator from Hawaii yield?

Mr. MATSUNAGA. I am happy to yield to the Senator from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. President, I thank and commend the distinguished Senator from Hawaii for his eloquent statement. He has taken a keen interest in this issue and has dealt with it in a reasoned, logical, and perceptive manner which has contributed greatly to the debate.

I particularly want to underscore one of his concluding points; namely, that the treaties involve the basic issue of how we see ourselves as a people; namely, our own self-perceptions. This is enormously important, because it is my view that the willingness of the American people to use our might to protect our interests is closely tied to their perception that that might is being exercised in harmony with right—in other words, that we are proceeding according to principles which command the respect of our own people. These treaties offer us the opportunity to have the legal and moral basis upon which to rest an exercise of our power if we have to take action in order to protect our interests.

Therefore, I think the point that the distinguished Senator from Hawaii has made so well is enormously important. The treaties address in a very fundamental and constructive way how the American people perceive themselves and what we stand for as a nation, and how we are prepared as a nation to use our power to protect our interests.

Mr. MATSUNAGA. I thank the Senator from Maryland (Mr. SARBANES) for his generous comments. He was one of those of us who went to Panama last November, and I must say that he contributed a great deal to the conferences we held with Panamanians, including General Torrijos and President Lakas.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. MATSUNAGA. I am happy to yield to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, the Senator from Hawaii (Mr. MATSUNAGA) has rendered a valuable service this afternoon. He not only has spoken eloquently and shown his depth of feeling, but also, he has put out some very hard facts. It is really facts, rather than emotion, with which we must deal.

During my 8 days back in Illinois, I took a poll, generally at the beginning of



a discussion with various groups I was attending, as to how they feel about the canal. We spent about a half hour discussing those involved alternatives, putting the question right back to them: "If it is rejected out of hand, are you willing to pay the consequences? What alternative do we have?"

I was always encouraged by the fact that at the end of the discussion, the sentiment had changed, the mood had changed, the hand vote actually changed. And I think that is borne out by the Gallup Poll that indicates that the more people know about it, the more they tend to realize that we have been working for 14 years in an inevitable direction of finding a way to modify these treaties so that they will endure for another 75 or 100 years, and that is really what we are engaged in. Of all the 96 witnesses we had before the Foreign Relations Committee, I did not find a single witness who said we could cling to the 1903 treaties any longer.

I would like to just comment further on one particular point brought out by my distinguished colleague from Hawaii, in which he said that in 75 years or so we have never paid a penny to Panama for the use of those bases there. Consider the importance of the Panama Canal in World War I and World War II. I had someone in Illinois the other day say he was based in Panama and American soldiers were so deep they almost stood shoulder to shoulder down there protecting the canal because we realized the necessity of having that canal open. It was because of the friendliness of the Panamanians and their cooperation that we had the degree of security that we had. Even today, after several negotiated increases, we still pay less than 1 percent of the total revenue that the Panama Canal Company receives to Panama as rent for the rights that we lease from them, and it is clear that we do not have sovereignty; we lease these rights.

We will be paying an average of \$35 million per year to Spain for base rights. I have not heard a single American challenge that or question my judgment or the judgment of the administration in supporting that.

Why, then, would we question paying out of toll revenue in the future \$40 million for the right, as my distinguished colleague has said so eloquently, to cut a path, a ditch, right straight through the middle of their country, so that not even the Chief of State of Panama can fly over it by helicopter from north to south or south to north without getting permission before he does so?

I think you can get it right down to dollars and cents. I do not think this is going to be solved and we will discuss later some of the economic factors, and I will be very pleased to address myself to those issues in greater length later. I do not think that is going to be the crucial thing but certainly we are not paying Panama to take the canal off our hands. That was so misunderstood back at the beginning of my discussions back in Illinois 8 days ago. I hope by now it is much better understood. There are some costs involved of course, but not payments to Panama. We do not pay

Panama for base rights for the next 22 years. Not a penny from the U.S. Treasury is paid to Panama for the use of bases, for huge bases, that for 22 years we will operate down there, when we without question are paying money from the Treasury to Greece, Turkey, Spain, many other countries for base rights. Why, then, should we resent so much the fact that Panama will be paid an increased rent or revenue as a result of a negotiating process in which some very, very hardheaded negotiators have done the best they can? But obviously if you drive so hard a bargain as to be grossly unfair, you get dissatisfaction. And we have had dissatisfaction for 75 years with an agreement that our own Secretary of State John Hay said any patriot would object to. Our majority leader eloquently made the point, and I quoted him many times this past week, that not a single Panamanian signed the 1903 treaty. A Frenchman signed it and he did a good job for France, but not certainly for Panama.

Mr. MATSUNAGA. I thank the Senator from Illinois (Mr. PERCY) for his comments. Relative to the amount that we have been paid it should be pointed out—I do not think that this has been brought out clearly as yet—last year we collected in tolls the sum of \$165 million. The year before it was \$135 million. So we had increased by \$30 million in the course of a year. And it is expected that this toll may remain stable or increase in the future. So as to what the Senator from Illinois pointed out, even if we did pay up to \$40 million or \$60 million the total revenues would still exceed the amount by \$120 million to \$140 million.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Arkansas (Mr. HODGES) such time as he may require with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, the Chair recognizes the distinguished junior Senator from Arkansas (Mr. HODGES).

Mr. HODGES. Mr. President, the greatness of the United States does not lie in our material possessions, whether it be unequaled military might, an unparalleled material standard of living, or a magnificent canal. It lies in our democratic ideals as written in the Declaration of Independence and the Constitution. These ideals are only as meaningful as our national translation of them into acts. Specifically, how as a nation do we treat those less powerful, less blessed, less free? Or, to use my simplistic and perhaps naive query—is it right? Harry Truman has become very popular of late; I suggest if you like to read of Harry Truman, as I do, you will love to read Abraham Lincoln. His speech on September 11, 1858, at Edwardsville, Ill., is particularly appropriate:

What constitutes the bulwark of our own liberty and independence? It is not our

frowning battlements, our bristling sea coasts, our army and our navy. These are not our reliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defence is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Our Nation under the existing treaty can keep forever the canal—but is it right? We can militarily defend the canal against Panama or any other nation if the treaties are not ratified—but is it right? We can eventually overcome the adverse reaction in Latin and South America sure to be created if we turn down the treaties—but is it right?

There are those who question our national resolve and spirit if we fail to "stand up" to Panama. It is argued that to ratify the treaties is further evidence of our national impotence and erosion of resolve that began in Vietnam. I think just the opposite is true. Real character and strength are measured more by how the strong treat the weak, the large the small, the rich the poor, than by false notions of character or a distorted sense of pride. Our Nation will be no less powerful or great after the treaties are ratified. Indeed, I am convinced that to ratify the treaties will show clearly the greatness of the United States and reflect clearly the real compassion and charity of our people. The touchstone of democracy is essential fairness to all people. Abraham Lincoln taught this spirit in his address to the Indiana Regiment when he said:

As I would not be a slave, so I would not be a master. This expresses my idea of democracy. What ever differs from this, to the extent of the difference, is no democracy.

I reject out of hand and without further comment in my State, who label treaty proponents traitors. Tactics using unfounded fear and smear have no place in a free and open debate.

We as Americans should understand and be sensitive to the desires of the people of Panama to have control over their own territory. We carved our nation out of the claims of others. The Panama Canal Zone is a 10-mile wide strip sitting squarely in the middle of their country, separating one side from another. The greatest natural resource of Panama, the canal, is leased to us in perpetuity. We control the single most important strip of land in their country. I can see that it is a psychological tourniquet cutting off circulation and damaging their national pride. I just reread the Declaration of Independence.

Although my thoughts are speculative and presumptuous, I am convinced from reading its language and knowing its history that the signers would understand and empathize with the desires of the people of Panama to make whole and independent their country.

Approval of the treaties is not without its risks. We are a nation of laws dealing with Panama with a government basically of one man. Omar Torrijos is a dictator, and from my brief encounter I have no sense of confidence in him. There is the possibility of a change in leadership bringing about a substantial change in Panama.

Also, I have reservations about the economic stability of the canal. It is a brilliantly designed, engineered, and constructed system, but it is old and requires expensive maintenance. I have no doubts as to the ability of the Panamanians to maintain the canal. I do question whether individual leaders will have the resolve and economic discipline to put the required great amounts of money into the operation.

The critical time obviously is the year 2000, when we will not longer have a physical presence in Panama. Under the neutrality treaty as amended we clearly have the right to take military action to insure neutrality generally and in particular our use of the canal. The safeguard is there, but it could require a military commitment and thereby potential loss to guarantee the right. That concerns me.

Thus, there are important and weighty reasons which give rise to legitimate questions about the adequacy of the treaties. But there are also grave risks in defending the treaties. That the Panama Canal has become an emotional symbol to many in the United States is evident. But this is even more intense in Latin America and the "third world." It is viewed there as indicative of the way a powerful and large nation treats a smaller, less powerful neighbor. Our rejection of the treaties will be difficult for them to understand. They will not hear our talk of equality, democracy and hemispheric cooperation because of the noise of our contrary actions. Democratic ideals are far more persuasive as embodied in actions than simply in print or word.

I have been assured by our military intelligence people, in briefings, part of which were classified, that the Communist influence in Panama is negligible. There are accusations to the contrary, but I find no evidence to support those contentions. Indeed, our failure to ratify the treaties will create fertile soil for communism, giving some proof to the accusation of U.S. imperialism.

Our military leaders on active duty are in favor of the treaties. Those whose duty it is to defend the canal state unequivocally that under the treaties, viewed from a military perspective, they can in fact guarantee the use of the canal to all. The most powerful nation in the world can, and I trust will, use that might to insure that which is right—neutral access to the Panama Canal.

I am particularly sensitive to the fact that I was not elected, nor will I be subject to a vote of the people of Arkansas in the future. Thus, the ordinary checks and balances on a political figure by the ballot box do not apply to me. I am acutely aware of the opposition of many Arkansans to these treaties, whose

opinion I respect. It has made this an agonizing decision.

I can only assure them that I have carefully and completely weighed all the arguments. I have read and listened extensively. I went to Panama and there was exposed to all viewpoints, pro and con. Thus, I have not arrived at my decision quickly or capriciously. This is an issue that has merit on both sides. Simply stated, the interest of our Nation is served in using the canal, and these treaties with the two principal amendments proposed by the joint leadership guarantee as well as possible its use. I consider this decision to be similar to most hard choices in life in that it involves a balancing of concerns and competing interests, with the final result not a clear black or white, but gray. After sorting out the intellectual and emotional arguments on both sides, a single concept is most persuasive—to ratify the amended treaties is the right thing to do. In the final analysis I have to do what I think is right for the United States, but even more important, the right thing to do as I in my conscience believe it to be.

I would say also that those who strongly oppose these treaties in this Senate in my judgment do so also out of conscience and conviction. I do not detect nor have I heard mentioned any partisan or political motive. These are men I respect greatly. The fact that we reach different conclusions does not foreclose men of good faith, judgment and conscience coming to a different conclusion.

There are broader concerns and questions underlying this discussion of the specific issue of the Panama Canal treaties. I have decided how to cast my vote on the Panama Canal treaties in this broader context, and after weighing the merits on both sides come to the conclusion that I should cast my vote for ratification of the Panama Canal treaties with the two principal amendments as suggested by our leadership.

I thank the Senator for yielding this time.

Mr. ROBERT C. BYRD. Mr. President, I have to congratulate the distinguished Senator from Arkansas in his decision, which has been very thoughtfully and courageously arrived at. I know he has struggled long with his conscience about this matter; I have talked with him on a number of occasions about it, and I know that he has weighed the facts and the evidence carefully, and reached a considered decision based upon what he thought to be the merits and the facts.

I also want to congratulate the distinguished Senator from Alaska (Mr. MATSUNAGA).

Mr. MATSUNAGA. Hawaii. I come from the sunshiny State.

Mr. ROBERT C. BYRD. What did I say?

Mr. MATSUNAGA. Alaska.

Mr. ROBERT C. BYRD. Well, I am sorry; I should have said Hawaii. I think that it is evident that while it is the distinguished Senator from Hawaii (Mr. MATSUNAGA) to whom I address these

compliments, they apply to both of these Senators. Their statements were cogent, unemotional, clear, persuasive, and concise, and I commend both Senators not only for their decisions but also their fine statements.

Mr. MATSUNAGA. Will the distinguished majority leader, the Senator from Virginia (Mr. ROBERT C. BYRD) yield?

Mr. ROBERT C. BYRD. West Virginia.

Mr. MATSUNAGA. Oh, West Virginia? Well, now we are even.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator for his most generous comments, and I would like to take this time to congratulate especially the Senator from Arkansas (Mr. HODGES) for his great maiden speech which he has delivered today on this floor. Luckily for him it was on a major issue—perhaps one of the most important in this century, and, what is most important, I believe he arrived at the right decision and I congratulate the Senator from Arkansas for that great decision, which came to him, as he stated, after great anxiety. Again I congratulate him.

I thank the Senator for yielding.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arkansas—from Hawaii.

Mr. President, in my previous remarks during this debate, I have discussed some of the reasons why I believe that these treaties are in the long-term best interests of the United States—our security interests, our economic interests, and our political interests.

I have cited some of the factors that have convinced me that approval of these treaties will enhance our international stature and prestige. These treaties represent the wise and judicious use of power by the most powerful Nation in the world.

I have emphasized that these treaties—with inclusion of the bipartisan amendments on defense rights and priority passage—are, in fact, more protective of our interests than is the existing agreement. The value of the canal is in its use, and that use is best guaranteed by cooperation, not confrontation, with Panama and by good relations with the other nations of this hemisphere.

The new treaties would not only strengthen our security and provide the moral and legal basis for our defense of the canal, but will engender an environment of goodwill and mutual respect.

#### SOVEREIGNTY

Today, I want to turn to some of the arguments that have been raised against the treaties—arguments that I do not believe will stand up in the face of serious examination.

For example, there is the question of sovereignty in the Canal Zone. This is a matter about which there has been a great deal of misunderstanding.

Stated simply, the United States is not now, and never has been, sovereign in the Canal Zone. It does not own, nor has it ever owned, the Canal Zone.



Article II of the 1903 Hay-Bunau-Varilla Treaty grants to the United States the "use, occupation and control" of a zone of land "for the construction, maintenance, operation, sanitation and protection" of a canal within that zone. The zone was not sold to the United States, it was not ceded, conveyed or granted. If it had been, there would have been no need for article II to spell out the particular rights which were being granted to the United States, for all the rights of ownership would obviously have belonged to the United States. There would have been no need for the treaty to state, as it did, that the "use, occupation and control" of the zone was for purposes of constructing a canal. If the land itself, if all sovereignty over it were being transferred to the United States, Panama would have had nothing to say about what we did with the land, or on it.

Clearly, the United States, by article II of the Hay-Bunau-Varilla Treaty, received certain interests and rights in the Canal Zone. But it did not acquire outright ownership, or sovereignty.

Article III of the 1903 treaty grants to the United States the "rights, power and authority" over the zone which it "would possess . . . if it were the sovereign." That is plain unmistakable English: "rights, power and authority, which it would possess if it were the sovereign." The United States is not sovereign. Panama always retained actual sovereignty. By the 1903 treaty, it granted to the United States the right to exercise sovereignty in furtherance of a particular purpose—the construction and operation of a canal.

To put it briefly, under the 1903 treaty we obtained rights—not land—and we have continued to make annual payments for those rights. Not sovereignty.

Several of my esteemed colleagues, and many who write to me, have compared our status in the Canal Zone to the purchase of the Louisiana Territory, and of Alaska. The contrast could not be more clearcut, and serves to demonstrate that the United States acquired neither territory nor sovereignty in the Canal Zone by virtue of the treaty.

On October 21, 1803, President Thomas Jefferson proclaimed the treaty for the cession of Louisiana. By article I, the First Consul of the French Republic, Napoleon Bonaparte, did "cede to the said United States in the name of the French Republic forever and in full sovereignty the said territory with all its rights of sovereignty which went with it, were transferred, or ceded, to the United States."

The Convention Ceding Alaska, proclaimed on June 20, 1867 by President Andrew Johnson, is similar. By article I, the Emperor of Russia, Alexander II, agreed "to cede to the United States—all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands."

Both the Louisiana and Alaskan Treaties contain a provision concerning the admission to U.S. citizenship of residents of those territories—a provision which is conspicuous by its absence from the Hay-Bunau-Varilla Treaty. The Louisiana Treaty, for example, provides that—

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all rights, advantages and immunities of citizens of the United States. . . .

The Alaskan Treaty speaks in similar terms.

These provisions establish that the status of these two territories, as contemplated by the signatories to the treaties and the Senators who ratified them, was indeed one of outright possession and dominion—lock, stock and barrel—in contrast to the 1903 Canal Treaty.

The record bears this out. We have, for example, treated the zone as a foreign territory for purposes of customs and mail, and for determining citizenship: children born in the Canal Zone of non-U.S. citizens are not U.S. citizens—as they would be if born in one of the States, the Virgin Islands, Guam.

Numerous statements have been made by U.S. officials which make clear that we have not been sovereign in the zone—beginning with Secretary of State John Hay's declaration in 1904 that Panama retained "titular sovereignty."

The distinguished Senator from Illinois (Mr. PERCY) wanted me to yield.

Mr. ALLEN. Will the Senator yield to me for a question?

Mr. ROBERT C. BYRD. I yield to the Senator from Illinois.

Mr. ALLEN. After the Senator from Illinois has completed, I will ask the distinguished majority leader to yield to me.

Mr. ROBERT C. BYRD. All right.

Mr. PERCY. I thank the distinguished majority leader for yielding. I would like to ask the majority leader, if we had sovereignty over the Panama Canal Zone, would it then be required for the House of Representatives to approve any transfer of such territory or land back to Panama? We have certain rights under the 1903 Treaty, as I understand the situation, which can be changed and altered, but we do not have sovereignty any more than if someone leases a house. His rights are quite different than if he owns title and deed to that house. I think the point is that clearly in the judgment of many of us the House of Representatives is not involved in this.

Mr. ROBERT C. BYRD. I believe properties can be transferred by treaty.

I believe they have been transferred by self-executing treaties.

Mr. PERCY. This particular question of ownership, the question of sovereignty and sovereign rights, is so misunderstood in the country. As the distinguished majority leader has pointed out, we have not possessed such sovereign rights, yet a very large part of the American people have believed that we have. That is why they continually ask the question, "Why are we giving away the canal?"

We are not giving away something. You cannot give away something that you do not really, in a sense, own. I think that point must be made, time and time again, to make clear what our rights are.

We do have certain rights. We are renegotiating those rights. But we certainly do not hold sovereignty over the

Canal Zone itself. That, I think, must be fully understood by the American people if they are to understand the processes that four administrations have gone through for 14 years of negotiation.

Mr. ROBERT C. BYRD. The distinguished Senator from Illinois makes the point well and succinctly: One cannot convey that which he does not own.

I yield now to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished majority leader.

I call the distinguished major leader's attention to page 69 of the digest of information on the proposed Panama Canal treaties prepared for the Subcommittee on Separation of Powers in the hearing held July 22, 1977. If the Senator will not object, I ask unanimous consent that this table be printed in the RECORD.

I do make that request, Mr. President.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Provided for the record, Subcommittee on Separation of Powers, Senate Committee on the Judiciary, hearing held July 22, 1977.]

*Total payments as a result of the 1903 Treaty<sup>1</sup>*

1. Reflected on company books as title and treaty rights:	
a. Payment to Republic of Panama	\$10,000,000
b. Payment to individual property owners (depopulation of Canal Zone)	3,965,254
c. Payment to French (land rights)	326,016
d. Madden Dam Area land rights, 1924-1932	437,619
Total b through d	4,728,889
2. Further payments to French:	
a. Inventories, salvage credits, other	1,282,664
b. Panama Railroad Capital Stock	7,000,000
c. Channel costs	31,391,320
Total	39,673,984
(Combined with 1c., payments to French total \$40,000,000).	
3. Payment to Colombia (not reflected on company books): Indemnity to Colombia for loss of Panama	25,000,000
4. Payment to Panama for annuity:	
a. 1913 to 1920 (capitalized as construction costs)	2,000,000
b. 1921 to 1951 (dollar value in gold changed, 1933)	10,990,000
c. 1952 to 1976 (dollar value in gold changed, 1973 and 1974; includes payment by State Department, 1956 to 1976)	43,610,992
Total	56,600,992
Total payments to Panama, French, and Colombia	136,003,865

<sup>1</sup> The figures reported in are actual dollars paid at the time of payment and have not been adjusted to reflect the value of payments in terms of 1977 dollars.

NOTE.—Does not include unrecovered United States' investment in the Canal and Canal facilities except to the extent of \$2 million in annuity payments which were capitalized as construction cost during the period of 1913 through 1920. As of October 1, 1977 unrecovered capital investment of the United States in the Panama Canal Company totals \$319 million on which interest payments accrue in the approximate amount of \$17 million per annum.

Mr. ALLEN. One of the items appearing here is "total payments as a result of the 1903 Treaty." First, "reflected on company books as title and treaty rights:

a. Payment to Republic of Panama, \$10 million."

As the distinguished Senator realizes, in 1924, I believe, the United States paid Colombia an additional \$25 million.

Mr. ROBERT C. BYRD. That was as an indemnity for the loss of Panama.

Mr. ALLEN. That is right, for the loss of the land.

b. Payment to individual property owners (depopulation of Canal Zone)—\$3,965,254.

I think the distinguished Senator, if he would investigate a little further, would find that the United States did pay \$3,965,254 to individual property owners for title to their land in what is now the Canal Zone.

Mr. ROBERT C. BYRD. The Senator is talking about apples; I am talking about oranges. The treaty did not convey title. The treaty did not convey sovereignty. Under the treaty, the United States had certain rights and subsequently had to purchase certain property.

Mr. ALLEN. Oh, I understood the Senator to state categorically, though, that the United States did not own this land in the Canal Zone. Yet the record shows that the U.S. Government paid some \$3,965,254 for the title to the property in the Canal Zone.

The next item, is: "Payment to French (land rights)—\$326,016."

d. Madden Dam Area land rights from 1924-1932.

They paid \$437,619.

Mr. ROBERT C. BYRD. The U.S. Government pays money to landowners over in West Virginia for their land to add to the Monongahela, George Washington, and Thomas Jefferson forests.

Mr. ALLEN. And does that not become U.S. property?

Mr. ROBERT C. BYRD. The United States has the right, under the treaties, and in accordance with Panamanian law, to purchase certain properties, but the treaties themselves did not convey sovereignty over that zone.

Mr. ALLEN. I was not talking about sovereignty. I was careful not to. I was disputing the Senator's statement that the United States did not own the land. We are not talking about the statement that they do not have sovereignty. I dispute that, but I do not dispute it at this time.

Mr. ROBERT C. BYRD. They do not own the Canal Zone. The United States does not own West Virginia. It does own several thousand acres in the Monongahela National Forest. The United States

does claim title to certain lands in the zone, but it does not own the Canal Zone, nor does it claim title in fee simple to all the land in the zone.

Mr. ALLEN. The United States owns the property constituting the Canal Zone, if you want to split hairs to that extent.

Mr. ROBERT C. BYRD. The Senator likes to split hairs. I do not care to.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. There are many private landowners in Panama today.

Mr. ALLEN. In Panama, but not the Canal Zone.

Mr. ROBERT C. BYRD. That is generally correct. A few parcels have been transferred to charitable organizations.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. Numerous statements have been made by U.S. officials that make it clear that we have not been sovereign in the zone, beginning with Secretary of State John Hay's declaration in 1904 that Panama retained titular sovereignty.

The point I am making, I say to my distinguished friend from Alabama, is that there is a difference in what the treaty of 1903 did with respect to the Panama Canal and the lands and waters there, the rights being granted to the United States to use those lands and waters for the purpose of constructing a canal—there is a difference between that treaty and the treaty that ceded the territory of Alaska to the United States or the treaty that ceded the Louisiana territory to the United States. Sovereignty passed, sovereignty vested in the United States of America in the case of Alaska and in the case of the Louisiana territory; but not in the case of the Panama Canal Zone. This is a distinction with a difference. It is a distinction that American people should understand.

In 1905, William Howard Taft, then Secretary of War, studied the issue and concluded in a report to President Theodore Roosevelt that—

... while we have all the attributes of sovereignty necessary in the construction, maintenance, and protection of the Canal, the very form in which these attributes are conferred in the Treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama. . . . I can see no reason for creating a resentment on the part of the people of the Isthmus by quarreling over that which is dear to them, but which is to us of no real moment whatever.

Although there are several court cases which lend further weight to this position, there is one case, *Wilson* against *Shaw*, which is often cited by those who insist that we do have sovereignty. It is worth noting that, of all the cases cited on the issue of sovereignty in the Zone, this is the oldest case, decided in 1907—7 years before the canal was completed. The issue in *Wilson* was not sovereignty—but whether the Congress could constitutionally expend public funds to construct the canal. The court held that it could. That holding was consistent with a long line of previous decisions interpreting congressional power under the interstate commerce clause. The decision did not rest upon—in fact,

barely touched upon—the issue of sovereignty. The word sovereignty does not appear even once in the Court's opinion, excepting the instance where article III of the treaty itself is quoted—and that without comment.

The narrow limits of the Court's decision in *Wilson* were pointed out by the Supreme Court of the Canal Zone against *Coulson*. Referring to the *Wilson* decision, the Court stated:

The Supreme Court did not hold more in that case (*Wilson*) than that the United States had the use, occupation and control in perpetuity of the Canal Zone. It is apparent from an examination of the treaty that the United States is not the owner in fee of the Canal Zone, but has the use, occupation and control of the same in perpetuity. . . .

Most of my colleagues are aware, by now, of the *Lukenbach Steamship Co.* and the *Vermilya-Brown Co., Inc.*—because both of these companies were involved in cases which went all the way to the U.S. Supreme Court—and both of these cases did involve the issue of sovereignty.

In the *Lukenbach* case, decided in 1930, the Court held that, for purposes of construing the mail transportation statute, the ports of *Cristobal* and *Balboa* could correctly be treated as "foreign" ports. The Justice Department, in that case, unsuccessfully argued what others are still arguing today, and I quote:

Under the provisions of the treaty between the Republic of Panama and the United States, the cities of *Cristobal* and *Balboa* in the Canal Zone are ports of the United States and the waters of the Panama Canal are waters of the United States.

As I have already indicated, the courts said "No."

The *Vermilya-Brown Co.*, case, decided in 1948, involved the issue of the jurisdiction and sovereignty of the United States over a naval base in *Bermuda*. In reaching its decision about the applicability of the *Fair Labor Standards Act* to the base, the Court noted that the Administrator of the Wage-Hour Division had properly issued a statement of general policy to apply the act to the Canal Zone, which, in the Court's own words, is "admittedly territory over which we do not have sovereignty."

#### CONCLUSION

In conclusion, Mr. President, our thinking about the Panama Canal treaties should not be clouded by misconceptions concerning the locus of sovereignty in the Panama Canal Zone. Opponents of the treaties would have us believe that sovereignty rests with these United States and that under the treaties we are relinquishing our sovereignty. I maintain that we cannot now be accused of giving up what we never had. Opponents of the treaties seek to convince the American people that establishment of what the country never had—sovereignty over the Panama Canal Zone—is to be preferred over the preservation of what the country has had and will continue to have under the treaties—free and unimpeded access to the Panama waterway.



The protection of the national interests of the United States did not require us to demand sovereignty over the Canal Zone when the canal was built, and there is no reason to think that such sovereignty is now necessary.

Let me say clearly: The ratification of these treaties will achieve our basic objectives—first, to keep the canal open and available for use by the United States through this century and into the 21st century, and second, to maintain our defense rights through the 21st century to insure that our security will not be endangered. The treaties achieve these objectives through cooperation with Panama. They will result in increased trust and confidence between the United States and the Republic of Panama and between the United States and its other southern neighbors. Let us not fail to recognize that it is on such trust and confidence—the good neighbor policy—that a good part of America's strength in the Western Hemisphere depends.

Achieving our objectives by cooperation will also place the United States in a strengthened position to achieve our other objectives. After all, the national interests of the United States are many, they are plural, and the ratification of the Panama Canal treaties will allow us to tackle them with renewed strength and vigor.

Now, Mr. President, on tomorrow at 10 o'clock a.m.—and I would hope that the debate would continue today until circa 6 o'clock p.m.—tomorrow at 10 a.m. the Senate will go into closed session for the purpose of examining materials and information allegedly relating to the government of Gen. Omar Torrijos.

These materials have been the subject of intensive and thorough investigation by the Senate Select Committee on Intelligence. The select committee has reported its findings, in some detail, to the Foreign Relations Committee, and tomorrow they will be discussed before the full Senate, behind closed doors.

According to the provisions of Senate Resolution 400, the Select Committee on Intelligence is charged with formulating and applying rules and procedures necessary to prevent the disclosure of information which infringes upon the privacy, or constitutional rights, of individuals. The resolution specifically prohibits any member of the committee, or any employee of the committee, or any Senator or employee who receives information from the committee, from disclosing such information.

The need for such strictures is obvious. We are dealing in the realm of national security interests, and of individual rights protected by the Constitution. Few would argue that protection of our national security interests require some intelligence activities that legitimately necessitate secrecy. Few would argue with the need—indeed, the constitutional mandate—to protect the privacy rights of individual citizens.

Balanced against this interest in preserving secrecy is the interest of the Congress, and of the public, to have the facts. Senate Resolution 400 provides a very carefully structured mechanism for bal-

ancing these sometimes competing interests.

Mr. President, there appears to be some public misunderstanding about the closed session on tomorrow. There appears to be an impression that the Intelligence Committee is withholding information from the Senate and the public, or that the executive branch is withholding such information. To the contrary: Senate Resolution 400 has provided the mechanism, which is being followed, for every Member of the Senate to have the facts; it will be for the full Senate to determine which facts can and should be disclosed without jeopardizing national interests and individual rights.

Among the provisions of Senate Resolution 400 is a requirement that the Select Committee on Intelligence report to the Senate on the nature and extent of intelligence activities, and on any such matters requiring the attention of the Senate. This provision of the resolution specifically incorporates section 8(c) (2), which is designed to protect the confidentiality of information in the possession of the select committee.

Subsection 8(c) (2) authorizes the select committee to make confidential information available to Members of the Senate, and to prescribe and apply regulations to protect the confidentiality of such information. It also specifically states:

No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

It is important for the public to understand how the closed session came about, and what will happen there. As I noted previously, the Intelligence Committee is not only authorized, but it is also required to report to the Senate on intelligence matters. When, on Friday, February 10, the distinguished Senator from Kansas (Mr. DOLE) exercised his prerogative to question the select committee about certain documents in its possession, the response—on my part, on the part of the minority leader, as ex officio members of the select committee, on the part of Senator BAYH, its chairman, and Senator GOLDWATER, its ranking Republican member—was to schedule a closed session at the earliest practicable date so that not only the Senator from Kansas, but all Members in the Senate, could have access to pertinent information and freely ask questions concerning such information. In the meanwhile, the staff of the select committee, and the materials in its possession have been available to Members of the Senate.

Mr. President, the purpose of the closed session is to provide Senators the opportunity to inform themselves about, and to debate, the information now in the hands of the select committee without jeopardizing our national security interests. The Senate will have before it on Tuesday a report prepared by the Intelligence Committee, including its recommendations as to what materials, if any, should be publicly disclosed.

The Senate then can determine whether the public interest would be served by disclosing all or part of those materials.

I feel confident that the Senate will pursue these matters within the spirit and the letter of Senate Resolution 400. That resolution is a landmark in the history of Congress. Until its adoption just 2 years ago, there was no legislative procedure adequate to the task of exercising congressional oversight over secret Government activities. The resolution provides an effective and efficient procedure for making legislative decisions concerning necessarily secret activities while respecting and preserving the constitutional rights of people and serving the national security interests.

Mr. President, I yield the floor.

Mr. GRIFFIN addressed the Chair. The PRESIDING OFFICER. The Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, while the distinguished majority leader is on the floor, I, like he, want to refer back to some of the points and arguments that were made earlier; and with his indulgence, I wish to refer to a comment he made on February 10, during the course of the debate.

In his remarks, the distinguished majority leader called attention to references I had made to former Ambassador Linowitz, and my remarks in that respect were essentially a restatement of the concerns I expressed in my minority views. The distinguished majority leader at that time said this:

Mr. President, the distinguished Senator from Michigan (Mr. GRIFFIN) has referred to the expiration of the term of Ambassador Linowitz in a way that would imply that simply because the 6-month term of Mr. Linowitz as Ambassador was coming to an end, the treaties somehow had to be hurried, and the completion of the negotiations was hastily made. . . . The truth of the matter is that Mr. Linowitz did not have to have the title of Ambassador to continue to assist Mr. Bunker in the negotiations. . . . Let it not be said that Mr. Linowitz had to retain that title of Ambassador in order to continue to assist Ambassador Bunker in the negotiations.

Mr. President, at this point I shall read from the minority views that I filed on this particular point, as they appear beginning on page 198 of the committee report. Under the title "Other Concerns" is a subtitle, "4. Were these treaties negotiated in haste, under the pressure of a time deadline?"

Because the treaties contain so much ambiguous language and so many provisions of doubtful merit, it is appropriate to ask such a question. And, unfortunately, there is reason for some concern.

On February 10, 1977, shortly after he took office President Carter named Sol Linowitz to represent the United States as negotiator for the Panama Canal treaties. But, strangely, Mr. Linowitz was appointed only on a temporary basis—for a six month period. Under the law,<sup>90</sup> an appointment on this basis does not require confirmation by the Senate. Such an appointment operates to by-pass the usual scrutiny by a Senate committee of a nominee's qualifications and possible conflicts of interest.

If hearings had been held, the Senate would have learned that Mr. Linowitz served as director of a New York bank that had participated in making huge loans, still outstanding, to the Torrijos government of Panama.<sup>91</sup> Furthermore, the committee might have cleared the air with respect to allegations that Mr. Linowitz formerly represented

the Marxist Allende government of Chile, and was required in connection therewith to register as an agent of a foreign government.<sup>21</sup>

Because the Senate is an integral part of the treaty-making process under the Constitution, it was unwise and something of an affront to the Senate for the Administration not to submit a treaty negotiator's name for confirmation. Utilizing such a short circuit procedure did not build Senate confidence in the treaty negotiations, and it also denied Mr. Linowitz the opportunity he should have had to explain away such possible conflicts of interest.

Mr. Linowitz, who was appointed on February 10, had six months—until August 10—to negotiate a new treaty without having his name submitted to the Senate for confirmation.

Interestingly enough, it was on August 10 that negotiators for the two countries finally announced their agreement in principle on new treaties relating to the Panama Canal.

Mr. President, that is the end of that portion of my minority views dealing with that particular subject.

Perhaps I am wrong, but as I read the majority leader's statement—

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield at that point?

Mr. GRIFFIN. I am glad to yield.

Mr. ROBERT C. BYRD. I beg the Senator's pardon for interrupting him in the middle of a sentence. If he would prefer, I will wait until he finishes.

Mr. GRIFFIN. If the Senator would wait, I would appreciate it; but I am always glad to yield to the distinguished majority leader, for whom I have such respect and admiration.

Mr. ROBERT C. BYRD. "A word fitly spoken is like apples of gold in pictures of silver."

I thank my friend.

Did not the Senator from Michigan have before the committee Mr. Linowitz, at which time he could have asked Mr. Linowitz questions concerning the purported conflicts of interest? If the answer is "Yes," my next question is, Did the Senator ask such a question?

Mr. GRIFFIN. I say to the distinguished majority leader that the first opportunity that this Senator had, or was aware of, was when Mr. Linowitz came before the Foreign Relations Committee after the treaties had been negotiated.

Mr. ROBERT C. BYRD. Yes, but did the Senator ask the questions then?

Mr. GRIFFIN. It was a little late to get into his qualifications to be a negotiator at that time, because the treaties had already been negotiated. But I say to the Senator that at that time I do not think I was aware of the concerns I am now expressing.

Mr. ROBERT C. BYRD. The Senator will agree, will he not, that Mr. Linowitz was before the committee on two occasions?

Mr. GRIFFIN. After the treaties were negotiated?

Mr. ROBERT C. BYRD. On September 26 and October 19, in open session.

Mr. GRIFFIN. This is after the treaties were negotiated.

Mr. ROBERT C. BYRD. So the Senator had two cracks at Mr. Linowitz.

Mr. GRIFFIN. Obviously, the question before the committee at that time was

not whether he was qualified or whether he should be confirmed. It was a de facto situation. We were presented with a treaty that had already been negotiated, and the question then was, What were we going to do?

Mr. ROBERT C. BYRD. Why raise the question now? He was before the committee; and if the treaties already had been negotiated, why not confront him with that?

Mr. GRIFFIN. I will address myself to that.

Mr. ROBERT C. BYRD. Then the record here would have been made clear.

Mr. GRIFFIN. It is a legitimate question, and I will address myself to it.

Mr. SARBANES. Mr. President, will the Senator yield, just to develop this point one step further? I think there is one other important factor.

Mr. GRIFFIN. If the Senator from Maryland will permit me, I have something more to say, and it may be that in my statement I will answer the point of the Senator from Maryland. If not, I will yield to him.

Mr. SARBANES. I hope the Senator from Michigan will address himself to the April 20, 1977, meeting that was held with the negotiators, a closed meeting, to brief the members of the Senate Foreign Relations Committee on the progress with respect to the treaties; that meeting was well before the date to which the Senator has just referred.

Mr. GRIFFIN. That could be.

Mr. SARBANES. That, of course, provided an opportunity to the Senator to raise the very points to which the Senator is now addressing himself.

Mr. GRIFFIN. May I continue?

Mr. SARBANES. I hope the Senator, in the course of doing that, will address that meeting as well.

Mr. GRIFFIN. Perhaps I am wrong, but as I read the statement made on February 10 by the distinguished majority leader, it appears to me that he was suggesting that the President of the United States has a free hand in appointing individuals to participate in diplomatic functions. In fact, however, the President's power in this regard is limited by both the U.S. Constitution and statutory law.

Article II, section 2, clause 2 of the Constitution gives the President the power to "nominate, and by and with the advice and consent of the Senate," to "appoint ambassadors and other public ministers."

At least since 1855, the term "ambassadors and other public ministers" has been interpreted to mean "all officers having diplomatic functions, whatever their title or designation."

I am here quoting an Attorney General's opinion of 1855 (7 Ops. Atty. Gen. 168).

It is true that on occasion during our history Presidents have appointed individuals to serve as ambassadors in a limited and special way for a President—particularly where some secrecy about the fact of the appointment was essential. However, in 1972 Congress formalized the arrangement by amending the Foreign Service Act of 1946 to preclude any such appointment for more than a

6-month period without Senate confirmation.

Let me read from the language of section 501(c) of the Foreign Service Act. It says:

On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, unless that person is appointed . . . in accordance with . . . clause 3, section 2, of Article II of the Constitution . . . except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not to exceed six months.

The President does not have the power to assign individuals to perform diplomatic functions for a period exceeding 6 months without obtaining the advice and consent of the Senate. And appointments for less than 6 months which do not go before the Senate are by law supposed to be limited to assignments "of an essentially limited or temporary nature."

Given the tremendous importance of the Panama Canal Treaty negotiations and the fact that under previous administrations negotiations had continued without success for over a decade, in my view the President was at least ill-advised when he circumvented the Senate by appointing Mr. Linowitz on a temporary basis. After all, the Senate is under the Constitution an integral part of the treaty-making process—and surely the President must have known at that time that it would be difficult to get two-thirds of the Senate to ratify treaties that would, I will not say give away the Panama Canal, but which would seriously change the relationship.

Why the President did not—and I can only speculate as to why he did not—take the Senate into his confidence to the extent of submitting the name of the negotiator to the Senate for confirmation, I do not understand. But I think it is unfortunate that now we find out about some matters which I think Mr. Linowitz probably could have explained. He should have laid them before the committee. I have no doubt that he could have cleared the air, but I think it is very disturbing to find out these matters later. It is against this background that these treaties, it seems to me, have to be judged.

Perhaps it was just a coincidence that it was precisely 6 months to the day following the Linowitz appointment that "agreement in principle" was announced by the negotiators. But let me say that I am not the only one who has come to the conclusion that these treaties are poorly drafted and full of ambiguities—indicating that, perhaps in haste to meet a deadline, language was used which should not have been accepted. Let me just say the dean of the University of Panama School of Law, Prof. Camilo Perez, has described these treaties as "one of the most imperfect treaties in the entire history of international law."

And Professor Perez further said that the United States must bear responsibility for any conflicts of interpretation, because the treaty was "signed in a hurry because the time given to Lino-



witz to complete negotiations was running out." I am quoting here the dean of the school of law of the Republic of Panama.

Mr. SARBANES. Mr. President, if the Senator will yield, does the dean of that school of law oppose or support these treaties?

Mr. GRIFFIN. I really do not know.

Mr. SARBANES. It is my understanding he opposes them as being too accommodating to the interest of the United States. Is this correct?

Mr. GRIFFIN. That may very well be. I do not know.

I received in the mail last week a letter from Mr. Linowitz indicating that he understood I had several questions about his appointment as conegotiator for the Panama Canal treaties and would welcome the opportunity to discuss them with me.

I have written back to Mr. Linowitz. In my letter I do not indicate that I would not meet with him privately, but I make it very clear that I would rather read his response to the matters that have been raised. I would be delighted on his behalf to put his letter, or whatever his response is, in the CONGRESSIONAL RECORD, since it is in the RECORD that the concern about his appointment and his participation has been raised.

I ask unanimous consent, Mr. President, that copies of his letter and my response may be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

WASHINGTON, D.C., February 14, 1978.

HON. ROBERT P. GRIFFIN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR GRIFFIN: I understand that you have several questions about my appointment as Co-Negotiator for the Panama Canal Treaties, and I would welcome the opportunity to discuss them with you.

Please let me know when it might be convenient for me to drop by. I'll be looking forward to it and will await word from your office.

With appreciation,  
Sincerely,

SOL M. LINOWITZ.

FEBRUARY 17, 1978.

HON. SOL M. LINOWITZ,  
Washington, D.C.

DEAR MR. LINOWITZ: Thanks for your recent letter.

Enclosed is a copy of my Minority Views filed as part of the Senate Foreign Relations Committee's report on the Panama Canal treaties. You may be particularly interested in that portion beginning on page 198.

Of course, I would be pleased to have the opportunity to look over your comments concerning those or any of the other points that have been raised in connection with the treaties.

Sincerely,

ROBERT P. GRIFFIN, U.S. Senator.

Mr. GRIFFIN. To the point made by the distinguished Senator from Maryland, I can only repeat, as I said before, that—once treaties are negotiated and laid before us—I suppose that, of course, we can go back and try to conduct a full-scale investigation of the principal participant's background and what his qualifications and possible conflicts of

interest may have been. This Senator certainly did not do that and did not feel that that would be the question before the committee at that time. We were then looking at the treaties. They were already negotiated.

Mr. SARBANES. If the Senator will yield, the date I cited to him was an April 20 date. This was well ahead of the treaty date. Will the Senator yield on this point?

Mr. GRIFFIN. I am yielding, yes.

Mr. SARBANES. Fine.

Mr. GRIFFIN. Does the Senator want the floor?

Mr. SARBANES. No, I just want to make a comment and address a question to the Senator.

Mr. GRIFFIN. Sure.

Mr. SARBANES. I think it is terribly unfortunate to bring in what I consider to be in personam arguments with respect to the merits of these treaties whose provisions are before us concerning the rights the United States has pursuant thereto. Now the Senator may choose to engage in a personal argument with respect to Mr. Linowitz. I think that is unfortunate for the following reasons. These points were raised early on at the beginning of last year, if the Senator will recall. Does the Senator contend that the matters which he is raising he only discovered recently?

Mr. GRIFFIN. Some of them, yes.

Mr. SARBANES. The matters that the Senator has cited were placed in the RECORD by other opponents of the treaty early in the beginning of 1977 and, therefore, were on the public record and were responded to by a letter from the chairman of the Foreign Relations Committee who cited the clearance that had been given to Mr. Linowitz with respect to the conflict of interest question by legal counsel at the State Department. The Senator may then go on and say he disagrees with the legal opinion, but the fact—

Mr. GRIFFIN. No, the Senator has not said that.

Mr. SARBANES. But the fact remains the opinion was sought and an opinion was rendered. Therefore, I think it is unfortunate to engage in the sort of in personam attacks on Mr. Linowitz that have just taken place.

Furthermore, as I indicated earlier, when the Senator responded to the distinguished majority leader with respect to raising these issues in the hearings before the Senate Foreign Relations Committee, and the response of the Senator from Michigan was that the hearings took place after the treaty and, therefore, he felt in a different posture with respect to raising the issue. But on the 20th of April, we had a closed hearing of the Foreign Relations Committee to get a briefing from the negotiators with respect to how matters were moving, and it is not my recollection that the Senator from Michigan raised the issue with Mr. Linowitz at that point.

Mr. GRIFFIN. May the Senator from Michigan have the floor again?

Mr. SARBANES. Surely.

Mr. GRIFFIN. I thank the Senator.

I think the Senator from Maryland

is altogether missing the point that I am trying to make.

The point is not whether or not Mr. Linowitz was guilty of a conflict of interest. I am willing to concede that if he had had the opportunity in a confirmation hearing to explain his situation that he could have convinced us that there was no conflict of interest despite these items in his background. I wish he had had that opportunity.

What disturbs this Senator very much is that he was put in a position to negotiate a Panama Canal treaty in a 6 months' period, where he was operating under a very tight time deadline. As one lawyer and one Senator who has studied these treaties very carefully, when I find over and over again unfortunate and ambiguous language used, and when I find that at the last minute in the negotiation, in order to get a treaty, presumably, we gave away the right to even negotiate to build another canal in another country—then I think it is not altogether inappropriate to observe how this appointment was made, and the fact that he was operating under a 6 months' time limit.

Whatever the reason was for the President doing that, to me it was not a good idea—and, as I have already said, I think it was an affront to the Senate to circumvent the confirmation process by not submitting the name of the negotiator in such an important situation to the Senate for confirmation.

That is my point. I am not trying to attack Mr. Linowitz. I am not trying to say that he is guilty of any conflict of interest. I am only saying that it was unfortunate, if we want to build confidence in the treaties themselves, confidence within the Senate, and confidence around the country, that it was not handled in the regular appropriate way.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. GRIFFIN. Of course.

Mr. SARBANES. First of all, I want to make one correction. The date of the meeting that I referred to was the 1st of April, not the 20th of April.

Mr. GRIFFIN. Well, I do not think that is relevant to the argument I am making.

Mr. SARBANES. No, but I want the record to be very clear if the Senator wishes to pursue the conflict-of-interest question.

The Senator is now separating two issues, and I think at least in that regard making some progress, because the question of conflict of interest was raised in the course of this debate by the Senator from Michigan.

If it is not relevant to the consideration, which I understand is the point the Senator is now making—he is dealing only with the question of a title in a 6-month period, contending there was undue haste at the end of that because the title would no longer apply, then it should not have been brought up. The introduction of the conflict-of-interest question was made by the Senator from Michigan. I regard that as extremely unfortunate, because it was unanswered much earlier, and if it was not answered to

the Senator's satisfaction, he had the opportunity to pursue the matter ahead of the treaty being negotiated.

As to the second point, the 6 months' period, as the distinguished majority leader pointed out, Mr. Linowitz remained available to be part of the negotiating team with Ambassador Bunker. Therefore, the loss of the title was not important with respect to the treaty.

The third point I have underscored earlier. Since we have had these personal attacks with respect to the negotiator and with respect to some of the parties in Panama, I must stress that in the end we come back to an examination of the terms of the treaties. Are the terms of the treaties protective of American interests? That is what is at issue. So I would hope the Senator would not, in the course of trying to deal with the substance and the merits of the treaties, on which I recognize there are legitimate differences, in fact, undercut people personally, which it seems to me is not only irrelevant but unfortunate with respect to some able and competent individuals.

Mr. GRIFFIN. Well, I do not think it is irrelevant to call attention to the fact that there was a time frame of very short duration; namely, 6 months, in which this negotiator had to complete a treaty, and to note the fact that it was precisely on the expiration date of that 6-month period that the treaty agreement was reached.

I keep going back again to the fact that under the Constitution as it has been interpreted, all officers having diplomatic functions, whether they are to be titled Ambassador or whatever, are to be appointed and confirmed by the Senate, with the exception of the statute—and I am not sure even that is constitutional; that we can modify the Constitution and say that anyone having a diplomatic function can be appointed even for a 6-month period.

I would note, for example, that all Army officers, all Navy officers, and all Air Force officers are nominated and confirmed by the Senate. We may do it routinely, but it is required by the Constitution.

I just make the point again that I think, as we try to look at the merits of these treaties, which I have done in my minority views, which in the most part are dealing with the merits of the treaties, it is inescapable to also look at the background and the context in which these treaties were negotiated.

I am sorry that it is necessary to bring that up. I felt that the statement made by the distinguished majority leader had to be responded to. I welcome Mr. Linowitz' written explanation, and I will be glad, on his behalf, to put it in the CONGRESSIONAL RECORD, to make the record complete.

Mr. SARBANES. Mr. President, in view of the statement which has just been made by the distinguished Senator from Michigan, I ask unanimous consent to have printed in the RECORD at this point excerpts from the CONGRESSIONAL RECORD of March 10, 1977, of an exchange of correspondence between Chairman SPARKMAN of the Foreign Relations Committee and the State Department deal-

ing both with the legal authority for the 6-month appointment of Mr. Linowitz as Ambassador, and also dealing with the conflict-of-interest question which was raised earlier in the course of the debate by the Senator from Michigan.

I think it is important that this exchange of letters be placed in the RECORD at this point to indicate very clearly that the matters which are now being raised, as it were after the fact, were addressed at the very beginning of 1977; and I submit that the distinguished Senator from Michigan had more than ample opportunity to pursue the issues had he chosen to do so.

Mr. GRIFFIN. This was after the appointment had been made, and the authority of the Senate had already been circumvented; is that correct?

Mr. SARBANES. No; the Senator from Michigan had at that point, well ahead of the conclusion of any treaty, an opportunity if he wished to pursue these issues, either or both of them, or any additional ones that he felt the appointment raised.

It is my understanding—and if I am in error I would certainly like to be corrected—that the Senator from Michigan made no effort to do so prior to filing his minority report to the Foreign Relations Committee report—in other words, prior to the year 1978.

This is an exchange of correspondence inserted in the CONGRESSIONAL RECORD on March 10, 1977, almost a year ago, which addresses directly of the points which the Senator has been raising here on the floor today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### APPOINTMENT OF AMBASSADOR SOL LINOWITZ

Mr. SPARKMAN. Mr. President, I want to bring to the attention of my colleagues a couple of items of information bearing on the appointment of Ambassador Sol Linowitz to be a negotiator in the Panama Canal talks.

In this regard, I wrote to Secretary of State Vance shortly after he discussed this appointment with me. Our exchange of correspondence on this issue makes it clear that Ambassador Linowitz's appointment will not extend beyond 6 months; and that this appointment is limited to the role of negotiator and is not intended in any way to supplant Ambassador Bunker's role.

I ask unanimous consent that this correspondence be printed in the RECORD at the close of my remarks, along with that provision of the Foreign Service Act of 1946, as amended, which provides for short-term Presidential appointments with the personal rank of Ambassador.

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

(See exhibit 1.)

Mr. SPARKMAN. In addition to the above, Mr. President, I want to bring to my colleagues' attention a letter dated March 7, which I received from the Department of State and which bears on certain conflict-of-interest allegations with respect to Ambassador Linowitz's current position. The conclusion of this letter reads as follows:

"As a result of the Department's review and the foregoing undertakings by Mr. Linowitz, the Acting Legal Adviser gave a written opinion which concluded that the requirements of the applicable statutes and Department of State regulations on conflicts of interest had been satisfied."

Mr. President, I believe this letter and en-

closures will be of interest to my colleagues and I ask unanimous consent that it, too, be printed in the RECORD following the above-mentioned material.

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

(See exhibit 2.)

#### EXHIBIT 1

JANUARY 31, 1977.

HON. CYRUS R. VANCE,  
Secretary of State,  
Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: I am writing you with respect to our recent conversation concerning the appointment of Mr. Sol Linowitz.

It is my understanding that this appointment will be made for a period not to exceed six months and for the purpose of putting Mr. Linowitz in the position of U.S. co-negotiator on the Panama Canal talks. As I indicated to you, I have no objection to this arrangement for a not-to-exceed-six-month period, so long as the negotiations from the U.S. side are headed up jointly by Ambassador Bunker and Mr. Linowitz. I am sure you will agree with me that Ambassador Bunker has performed admirably throughout his tenure as chief negotiator and I am confident, as I am sure you are, that he will continue to perform in this fashion until these negotiations are brought to a successful conclusion.

I know that you will apprise me of any misunderstanding on my part about Mr. Linowitz's role. Similarly, I would appreciate being informed beforehand of any change in the co-negotiating procedure.

Sincerely,

JOHN SPARKMAN,  
Chairman.

THE SECRETARY OF STATE,  
Washington, February 10, 1977.

HON. JOHN SPARKMAN,  
Chairman, Committee on Foreign Relations,  
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of January 31 concerning the appointment of Mr. Sol Linowitz. That is to confirm that your understanding that Mr. Linowitz is to be appointed as Co-Negotiator with Ambassador Bunker on the Panama Canal Talks, with the personal rank of Ambassador for a period not to exceed six months, is entirely correct. There has been absolutely no change in the co-negotiating procedure.

Sincerely,

CYRUS VANCE.

#### EXCERPT FROM FOREIGN SERVICE ACT OF 1946, AS AMENDED APPOINTMENTS

SEC. 501. (a) The President shall, by and with the advice and consent of the Senate, appoint ambassadors and ministers, including career ambassadors and career ministers.

(b) The President may, in his discretion, assign any Foreign Service officer to serve as minister resident, charge d'affaires, commissioner, or diplomatic agent for such period as the public interest may require.

(c) On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months.



## EXHIBIT 2

DEPARTMENT OF STATE,  
Washington, D.C., March 7, 1977.

HON. JOHN J. SPARKMAN,  
Chairman, Senate Foreign Relations Com-  
mittee, U.S. Senate.

DEAR MR. CHAIRMAN: In light of certain statements by a member of the Senate and a member of the House with respect to Ambassador Sol M. Linowitz, I would like to make the following observations which may assist you and the members of your Committee in responding to questions or inquiries.

Ambassador Linowitz was appointed, last February 10, as Co-Negotiator for the Panama Canal Treaty, in the capacity of Special Government Employee with a six-month appointment to the personal rank of Ambassador, in accordance with applicable Federal and Department of State regulations and established procedures. He is serving in this capacity without compensation.

The Department of State conflict of interest regulations provide that no Department employee may "have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities" (22 CFR 10.735-205). Pursuant to these regulations, Mr. Linowitz prior to his appointment submitted to the Department a full statement of his memberships on boards of directors as well as his financial holdings. These were reviewed thoroughly by the Office of the Legal Adviser.

In the cases of two companies, Pan American World Airways, Inc., and Marine Midland Banks, Inc., Mr. Linowitz furnished information from them outlining their activities and financial interests in Panama. Appended are the statements from the Presidents of these two companies. Based on the Department's review, Mr. Linowitz agreed that in the unlikely event any aviation issues arise during the course of the treaty negotiations which might be of possible interest to Pan American, he would recuse himself from participation in the negotiation of any such issues. Continued membership on the board of Marine Midland Bank did not violate the applicable regulations because of the relatively low level of financial transactions of the bank with and in Panama.

Mr. Linowitz also agreed that his law firm "is not now and will not while I am serving in this capacity, represent any client on any matter related to the Panama Canal Treaty negotiation or the Canal Zone."

In the case of Mr. Linowitz' financial interests, two companies in which he had small shareholdings—AT&T and Texaco—did have business which the Legal Adviser believed might be affected by the outcome of the Canal Treaty negotiations. Consequently, Mr. Linowitz agreed to sell his shares in those companies, and has done so.

As a result of the Department's review and the foregoing undertakings by Mr. Linowitz, the Acting Legal Adviser gave a written opinion which concluded that the requirements of the applicable statutes and Department of State regulations on conflicts of interest had been satisfied.

Sincerely yours,

KEMPTON B. JENKINS,  
Acting Assistant Secretary  
for Congressional Relations.

## NOTE

Note to F. C. Wiser.

Re Pan Am Activities in Panama—Intertrade. Intertrade is a small distribution company, wholly-owned by Pan Am. Established in 1972, its principal functions are:

Provides bonded warehouse services, including customs clearance services and some inventory management services. It now has facilities at three locations: Colon Free Zone, Panama Airport, and Panama City.

Provides extensive local trucking services primarily between the Airport and its bonded warehouses.

Acts as Pan Am's General Sales Agent in Colon and certain other points in Panama. Provides sea-air transshipment services; arranges for the receipt of goods by sea from Japan and other points in the Orient and for onward shipment, usually by air to points in Central and South America.

As indicated in the attached 1977 projections, 1977 Intertrade sales are expected to increase from the 1976 level of \$703,000 to \$946,000 and net profit before tax from \$125,000 to \$142,000. Pan Am originally invested \$10,000 to establish the company. The underlying book value of our equity is now \$170,000.

Intertrade is under the direction of Art Summer, who has been with Pan Am 35 years, most of them as a resident of Panama. The other 58 employees are citizens of Panama.

Also attached is a recent brochure on Intertrade which may be of interest.

I understand you are being provided with information on SDISA through Art Best.  
CHARLES W. TRIPPE.

JANUARY 7, 1977.

Note to F. C. Wiser.

Subject Pan American Operation, Panama. Sales office location: Edificio Hatillo, Avenida Justo Arosemena, Panama City, Republic of Panama.

Hours/Telephone: Mon.-Fri. 8:00 a.m.-12 Noon/1:00 p.m.-5:30, Sat.-Sun. closed. Telephone: 25-5425.

Airport/location: Tocumen International Airport, located approximately 18 miles from Panama City. The Airport operation at the present time, is 100% handled by Pan American personnel, with the exception of inbound cargo, which is handled by Intertrade.

Director: Reeder Chaney. Office Phone: 25-6510. Home Phone: 26-0589.

Mr. Chaney is the only international employee in Panama, and is responsible for not only Panama, but offline west coast/South American General Sales Agents in Colombia, Ecuador, Bolivia, and Peru.

Present Employment: 151 people.

Passenger Operations: 75 movements/month.

Passenger Sales/1976: \$10,000,000.

Cargo Sales/1976: \$4,000,000.

General Information: New Airport and terminal facilities will be in operation by fall of 1977.

Separate Corporations in Panama:

(a) Intertrade (separate report being prepared by C. Trippe).

Intertrade is wholly owned Panamanian cargo company and is the general Sales Agent for Pan American on the Atlantic side of the canal for cargo and passengers. They are also general Sales Agents for Pan Am for the balance of the Republic of Panama, other than the City of Panama.

An agreement has recently been signed with Intertrade to do all of our inbound cargo handling at Tocumen Airport.

(b) SDISA (Servicios y Diversiones Internacionales, S.A.).

A Pan Am wholly owned Panamanian Catering operation located at Tocumen Airport servicing all carriers.

A. S. BEST.

## PAN AMERICAN OPERATIONS, PANAMA

Prior to World War II, Pan American operated from both the Atlantic and Pacific side of the Canal Zone in Panama. When World War II started, the operation at France Field, located on the Atlantic side, was consolidated with the operation at Albrook Field on the Pacific side.

Pan American's operation continued at Albrook Field until the Republic of Panama de-

veloped an International Airport at Tocumen in October, 1949.

At one time, our operation in Panama was considerably more active than at present. Due to retrenchment in military forces, reduction in Panama Canal Zone international employees, long-range and wide-bodied aircraft, Pan Am has decreased its total activity through Panama.

The present 151 employees represent only 9.2% of our employees in Latin America or slightly over 1% of our employees worldwide in the field marketing group. Likewise, today the total sales of \$10,000,000 for passengers and \$4,000,000 for cargo represents .8% of our revenue.

## MARINE MIDLAND BANKS, INC., OPERATIONS RELATED TO PANAMA

## A. Past or Dormant Investments.—

1. Banco Inmobiliario de Panama S.A.—This is a small mortgage bank in Panama that engages in medium- to long-term housing mortgages and the warehousing of mortgage paper. We have just sold our 2½ percent interest.

2. Financiera Centroamericana S.A.—This is a general finance company engaged in commercial, industrial, and real estate lending in Central America, as well as holding an equity interest directly and indirectly in bonded warehouses in Central America and the Caribbean. This 22.4 percent investment was just disposed of.

3. Servicio de Anuario Telefonico Internacional S.A.—This company sold and distributed telephone books in several Latin American countries. We have preferred shares at modest value. This investment will be written off.

## B. Current Investments.—

Marine, through Intermarine London, owns Bream Shipping, which was formed a few years back in conjunction with the international lending operations of Intermarine London. This company is presently not being used; however, it has limited assets resulting from prior activities conducted external to Panama.

## C. Branch Operations.—

Most international banks have involvements in Panama consistent with that country's currency relationship with the dollar and its favorable climate as a financial center. Accordingly, the Marine started in Panama with a Regional Representative Office for Central America in 1971. It subsequently opened a branch operation in October 1973 to complement the Representative Office with a primary focus on generating corporate business in Panama and Central America, as well as deposit gathering from Latin America. As of November 30, 1976, it has total claims of approximately \$32.4 million (of which \$18.5 million is claims in Panama, and the remainder is almost entirely claims due from other Central American corporate clients). In Panama much of its business involves financing trade of corporations located in the Colon Free Trade Zone. The combined Representative Office and Branch have a staff of 25, 3 of whom are U.S. nationals. This operation is not large when compared to the activities of several others.

## D. Loans.—

As a large international money center bank, the Marine conducts business throughout the world. Panama has long been a center for trade, as well as a notable financial center. Loans in Panama are a national consequence of the position of the bank and the country.

Marine Midland, either directly from New York or through the Bahamas or Panama Branch or foreign affiliate, has a \$100,000 short-term unsecured loan available to the Hydroelectric Power Authority of Panama.

There is a \$100,000 loan to the Agricultural Development Bank in Panama.

There is a \$4 million loan to the Republic of Panama, due in November, 1983. There is Marine's share in a \$115 million international syndicated loan, managed by Citibank/New York, InterUnion/Paris, in which Marine directly owns 45 percent, also has a loan of \$2 million to the Republic of Panama.

In addition to these direct loans to the Government of Panama or institutes of the Government, the Marine is engaged in normal short-term lending operations through the banks and the private sector in that country.

Intermarine owns two Panamanian special-purpose shipping companies, International Ship Finance (Panama) Inc., and Avon Shipping, Inc. These companies each own a Panamanian flag vessel on behalf of Japanese owners, which vessels are financed by Intermarine. These corporations are financing vehicles, and they are only notionally involved with Panama.

Mr. GRIFFIN. I will be glad to read that. The point that disturbs this Senator, however, is that the President chose this irregular method of appointing a negotiator in such an important situation.

I, of course, had hoped that we would have treaties before us that I could consider were in the national interest, and that I could support. But I find so much that is wrong with them, so many ambiguities, so many things that in my humble opinion do not serve the interests of this country, that I must raise the point that they very well could have been negotiated in a hasty, last minute situation, and that disturbs me very much.

Mr. President, I yield the floor.

Mr. SCOTT. Mr. President, I ask unanimous consent that Charles J. Conneely of the staff of the Armed Services Committee be afforded the privileges of the floor during the consideration of this measure.

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

Mr. SCOTT. Mr. President, having listened to the colloquy between the two distinguished Senators, I am going to make my statement in its entirety, without yielding the floor, and then I will be glad to respond to any questions that any Senator might have.

I might say at the outset that I have been advised that our statements are no longer being carried on the radio since it is after the hour of 5 o'clock. Perhaps we can relax a little more at this time.

(Mr. ZORINSKY assumed the chair.)

Mr. SCOTT. Mr. President, many thoughts have been expressed by various Senators since we started considering whether to advise and consent to the canal treaties. One suggestion was that we pay some attention to the views of the people of the country. My own mail is becoming heavier, although there is little, if any, change in the ratio of those for and against the treaties. Needless to say the overwhelming majority of the mail is in opposition to ratification. This in spite of every effort by the administration to educate the people to its point of view.

In fact, our chief negotiator, Ellsworth Bunker, stated in a talk in Los Angeles on December 2, 1975, that—

Our presence in the canal has a constituency among the American people—but our negotiations to solve our problem there do not. So, if we are to gain support, we must find it through candid and reasonable discussion.

These discussions, however, have not been productive insofar as changing the public view on giving the Canal Zone to Panama. While the State Department has been attempting to educate the American people to their point of view, we should remember that throughout our history the ultimate decisions in the United States have been made by the American people. Alexander Hamilton recognized this during the debates on the Constitution in 1788 when he said:

Here, sir, the people govern.

If our votes in the Senate are to reflect the views of the American people, these treaties will be defeated.

My opposition, in a broad sense, is that the treaties are written in a way to meet the demands of Panama and further the best interests of Panama rather than the best interests of the United States. At the present time the United States has possession and control of the canal. From the viewpoint of our own national interest there is no need to negotiate a new treaty. In my judgment, we do not obtain any benefits from these treaties but we lose substantially all of the interests we now have in the Canal Zone. It would appear that our negotiators have been willing to give Panama anything it wanted and that Panama has wanted everything it could get. This has resulted in a one-sided treaty. A treaty that, in my opinion, is not in the interest of the United States or in the interest of the free world.

Perhaps it would be well to initially consider what we have in the Canal Zone that will be lost by the ratification of these treaties. First, of course, is the canal itself, together with the installations, material, and equipment used in its operation. The canal is an important artery of commerce of great value from an economic and military point of view. Ownership will immediately be transferred to Panama, as more gradually will complete control. At the present we have roughly 3,300 American citizens residing in the Canal Zone who are civilian employees of the canal government and approximately 6,200 dependents of these employees. The American military forces consist of roughly 8,500 members with somewhat over 11,000 dependents, plus an additional 1,200 civilian employees assisting our military forces for a total of 30,186 Americans presently residing in the Canal Zone, according to testimony by General McAuliffe, the head of our southern military command. Of course, there are quarters, both military and civilian; 17 military bases; the Panama Railroad; the Thatcher Ferry Bridge crossing the canal on the Pacific side; highways of various kinds, including one crossing the entire isthmus; schools, hospitals, stores, and recreational facilities; the Military School of the Americas where officers from the various Latin American countries receive training and the jungle warfare

school where our own troops are trained for jungle fighting. We have several pipelines of various sizes across the isthmus; pier complexes to handle cargo and storage, warehouses for material awaiting transshipment. It should also be recalled that all of the improvements within the Canal Zone were constructed by the United States, or purchased from the French company; that yellow fever and malaria were conquered, sanitary water and sewage systems established; that many American lives were lost in the establishment of this project which has been called the "moonshot" of its day. These facilities are said to have a replacement value of approximately \$10 billion.

I believe the exact figure is \$9.8 billion.

It is said that fewer than 1 percent of the original work force that built the canal were Panamanians.

I do not know, Mr. President, the nature of all of our military facilities within the Canal Zone but there have been newspaper accounts of foreign agents operating within the zone and it would appear that in closed session each Senator should be informed fully regarding additional military use, if any, being made of the Canal Zone. It would appear that this is the southern most base of operation for our military forces in the Western Hemisphere and military aid programs for all of South America are directed from our bases located within the zone.

In addition to the tangible assets that would be lost, the world community might well lose the right to cross the Isthmus of Panama to avoid the much longer route of going around the entire South American Continent to get from the Atlantic to the Pacific ocean at prices shippers can afford to pay. The United States has always permitted transits of the canal at cost and, in fact, in recent years I understand that there has been a deficit in the operation of the canal even though tolls have been raised. But immediately after ratification, Panama will receive 30 cents per ton on all material passing through the canal, plus an annuity of \$10 million per year, an additional annuity of another \$10 million annually if toll revenues permit, and \$10 million for providing fire, police, and sanitary services. There is no doubt that Panama will charge all that the traffic will bear when it is able to fix the rates. Last year I visited five South American countries, Colombia, Peru, Brazil, Argentina, and Chile. Even the leaders of these countries who support transfer of the canal to Panama wanted some provision against increases to tolls. Concern was also expressed about Communist influence and ultimate Communist control of the canal.

We cannot afford to ignore the Russian buildup of its military and naval forces; of its support for revolutionary movements throughout the world; Soviet pilots flying MIG aircraft in Cuba; or Russia supplying weapons and material for Cuba to intervene in the internal affairs of others nation; of Egypt, Ghana, and Somalia finding it necessary to ex-



pel the Russians; of Canada expelling more than a dozen Russian diplomats for attempting to bribe Canadian citizens to obtain intelligence information.

Russia using other nations to achieve its subversive goals in Africa is illustrated in a concise statement on page 29 of the February 20 issue of *Time* magazine entitled, "Moscow's Helping Hands." It points out that a number of Warsaw Pact nations, including East Germany, are aiding Cubans in Ethiopia, Angola, and other places. I ask unanimous consent that this statement be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

#### MOSCOW'S HELPING HANDS

"Doing the Kremlin's dirty work" is the way one Western intelligence official refers to them. Another labels them "Moscow's cat's-paws." These derisive descriptions refer to Communist countries that are busily reinforcing Soviet support for Ethiopia with sorely needed arms as well as military and political expertise.

Cuba has been the most prominent of Moscow's proxies, with 3,000 troops in Ethiopia, 19,000 in Angola and about 4,000 in nine other states. In recent years other Communist-ruled nations—most notably in Eastern Europe—have dispatched elite units to black Africa to serve Soviet foreign policy interests. Presumably, this strategy has been designed to help Moscow maintain a low profile and thus escape being branded a neoinperialist.

The efficient and ideologically rigorous East Germans have apparently been selected as the most trustworthy ally. First sent to Ethiopia last summer, East Germany's forces there now number an estimated 1,000. Senior East German officers assigned to the Ethiopian Defense Ministry helped to reorganize the country's armed forces, and no doubt have contributed to the planning of the current offensive. Other East Germans have been advising the Ethiopians on the military and ideological training of the police, militia, regular armed forces and youth groups. A hard-lining East Berlin Politburo member, Werner Lamberz headed a delegation that advised Addis Ababa about reconstructing the country's economy on orthodox Marxist lines.

The army and secret police of nearby South Yemen have been learning the latest security techniques from some 2,000 East Germans, assisted by about 4,000 Cubans, some of whom also seem to serve as a kind of Praetorian Guard for the country's repressive Premier Ali Nasser Mohamed. East Germany is also believed to be running three training camps in South Yemen for radical Palestinian commandos. East Berlin has dispatched "Brigades of Friendship," consisting of military, ideological, security and medical cadres, to Angola; in Mozambique, the East German "diplomatic" mission has become the largest in the country, exceeding even that of the Soviet Union. East Germany's increasingly complex African operations are now handled by a special secretariat in East Berlin, headed by Deputy Minister of Foreign Trade Alex Schalk.

Hundreds of Czechs, Hungarians, Poles and Bulgarians are also aiding Ethiopia's forces. Technicians from Prague and Budapest have supervised the arrival of large quantities of weapons, such as AK-47 automatic rifles and machine guns, made by Warsaw Pact countries. Transporting arms and men from Eastern Europe to Ethiopia formerly presented only minor problems, since they were flown from their staging area in Libya over an unsuspecting Sudan. Until they were expelled in May, Russian advisers in Khartoum

had tampered with the Sudanese radar network to create a blind spot in its coverage, in effect creating a "corridor" through which Soviet planes flew undetected.

Ominous though the Soviet presence in Ethiopia may be, Moscow may yet bungle this political opportunity as it has bungled others. Despite heavy political and military investments in Ghana, Egypt and Somalia, the Russians were ultimately tossed out of those countries. They and their cat's-paws may start to suffer if the war on the Horn begins to exact a toll. According to intelligence reports, Cuba's military presence abroad is now so unpopular that troopships must leave Havana at night.

Mr. SCOTT. Mr. President, let me read just the first part of the statement.

All these happenings add credence to the warning of the former Chairman of our Joint Chiefs of Staff, Adm. Thomas H. Moorer, in testimony on January 31 before our Senate Armed Services Committee. He said:

The defense and use of the Panama Canal is wrapped inextricably with the overall global strategy of the United States and the security of the free world. I submit that, if the United States opts to turn over full responsibility for the maintenance and operation of such an important waterway to a very small, resource poor and unstable country as Panama and then withdraws all U.S. presence, a vacuum will be created which will quickly be filled by proxy or directly by the Soviet Union as is their practice at every opportunity.

So, Mr. Chairman, and members of the committee, do not be surprised if this treaty is ratified in its present form, to see a Soviet and/or Cuban presence quickly established in Panama. In any event, any confrontation over the "neutrality" of the canal then becomes a confrontation with the Soviet Union rather than with Panamanian guerrillas or terrorists. With the Soviets already on the scene, as Senator Goldwater has pointed out, fighting our way in—with or without the help of the small 1,500 men Panamanian Army will not be without unnecessary loss of U.S. men and material, not to mention loss of the use of the canal.

I believe a permanent United States presence in the Panama Canal Zone to be the only feasible and safe posture for all of the nations of this hemisphere. In saying this I must also emphasize that the year 2000 is meaningless insofar as the requirements for the security of this hemisphere are concerned. The threat, the problems, the global balance will not change as if by magic in the year 2000, so why should we pass this dilemma down to our children and grandchildren.

Let us remember that Admiral Moorer, as Chairman of the Joint Chiefs of Staff was our No. 1 military man from 1970 to 1974. Although presently retired I believe his opinions are entitled to great weight. Therefore, I asked his views on the testimony of a presently active military commander, Admiral Weisner, the commander in chief of the Pacific, who previously had testified before the Subcommittee on Manpower and Personnel of the Armed Services Committee: The question posed was, if the canal was not under the control of the United States, could he see possible adverse effects on Admiral Weisner answered:

his command in the Pacific?

I can see an adverse effect, Senator Scott. It takes considerable time to move items by sea from the east coast to the Pacific. Without the Panama Canal you are adding 3 weeks time in shipping critical items as

ammunition from East Coast ports rather than from West Coast port.

Then I asked him, aside from the time elements, would he see any need for an increase in the naval strength of this country if we did not have control of the canal. He answered:

Yes, we would have to put these critical items shipped by sea over a greater area to accomplish the same purpose.

Would we need a larger navy? and he said:

That is right.

When I asked Admiral Moorer whether he agreed with Admiral Weisner, he responded:

I agree with him on every point.

In fairness, I believe the treaty supporters agree that the Panama Canal is very important to our national security. Treaty supporters constantly argue that it is "use rather than ownership that is important" and that the United States can better assure use of the canal by ratifying the present treaties. Secretary of Defense Brown in his testimony before the Foreign Relations Committee, stated:

Use of the canal is more important than ownership.

He later noted:

I think the canal is more likely to remain open to us with friendly Panama and a friendly Latin America than in a situation where the people of those nations look at the canal as an American ownership of the canal, and it works as an insult to them, as a threat to them.

There seems to be a strange logic that the United States would be in a better position if it reduced its present military installations in the Canal Zone from 17 to 4 after the treaties are ratified and entirely withdraw our military presence from the canal in the year 2000. The argument goes that, with a friendly Panama, the canal would likely be more available for the use of U.S. commercial and military ships.

What is ignored here is to whom we are giving the canal—today to General Torrijos and tomorrow to who knows what government in Panama, given that country's political instability.

Let us discuss for a moment who General Torrijos is. He is the dictator of Panama who took over that country from a lawfully elected government "at the point of a gun" in 1968. He is the same dictator who has increased the national debt of Panama from some \$167 million to over \$1.5 billion, the highest per capita national debt in the world. He is the dictator who has compiled a dismal record on human rights, according to Freedom House. He is the same dictator who has open admiration for Castro and who, on his return to Panama after the signing of the treaties in Washington last fall, sent the following message to Castro:

On my return trip to my country and flying above the sky of Cuba, I salute you with friendship always . . . in Latin America, our name is associated with feelings about dignity that have been channeled toward a shameful period of colonialism.

This is the same Fidel Castro who has 19,000 to 20,000 Cubans in Angola and several thousand Cubans in Ethiopia and, apparently, sees a need to have Soviet pilots fly air defense missions for him in Cuba. Torrijos is the same dictator who has never met the American Governor of the Canal Zone. This according to testimony of the Governor. I asked Governor Parfitt, when he testified before the Subcommittee on Separation of Powers of the Judiciary Committee, his personal opinion as to Communists within the structure of the Government of Panama.

Governor Parfitt, an active major general in our Army, responded:

I believe the general consensus is that the Panamanian Government itself is not Communist-leaning, but advisers in various places within the government are in fact Communists.

I asked, "This would be advisers to General Torrijos? Some of his advisers are believed to be Communists?"

Governor Parfitt answered, "That is correct."

Let me add that Governor Parfitt also testified at this hearing that our Government has not asked him whether the proposed treaty should be negotiated.

It seems untenable that the top U.S. official, the Governor of the Canal Zone, would not be asked his opinion before the treaties were signed.

But, Mr. President, it does not appear that we would be giving up our \$10 billion canal to any great or reliable friend of the United States. This may in part account for the fact that Americans are bombarding the Senate with mail against ratification.

We are told that it really does not matter what General Torrijos is—a dictator—a friend of Castro's. The important thing is that the United States has the right to intervene after the year 2000 if the neutrality of the canal is violated. In addition, we also would be permitted "expeditious passage" of our ships during time of crisis.

As a practical matter, what does each of them mean? The right to intervene presumably means that the United States could move troops back into the Canal Zone if we felt that the neutrality of the canal was violated. What would be the effect of that if Panama violated the neutrality of the canal? Would we have the military run the canal after the year 2000? The same could be said of the "expeditious passage" of our ships. Does anyone really think that the United States would land military forces in Panama if our ships did not get what we thought was "expeditious passage" during a crisis? What is to stop the Panamanians from having a "slow-down" during a crisis in which they did not take our side—for example, with Cuba or any Communist nation.

As a practical matter, what is the advantage of intervention or "expeditious passage" when one compares it to current U.S. presence in and control over the Canal Zone? The entire Neutrality Treaty, even the proposed clarifying amendments, remind me of a "shell game." We are never going to know exactly what our rights are, whether after

giving away title and control we will have the fortitude to return to the Canal Zone to enforce our rights, whatever they may be. If his treaty was a contract it might well be held to be void because of vagueness. Today we own the Canal Zone, we control it, our troops are there. I see no reason to change from a certain position of strength to an uncertain one of potential weakness.

#### U.S. MILITARY PRESENCE IN CANAL IMPORTANT

Admiral Holloway in his testimony before the Armed Services Committee stated that—

Because of the importance of the Canal, as a military man, I would very much like to have seen the complete responsibility and control of the operation and defense of the Canal in U.S. hands. . . . We (the military) deplore the situation that leads us to have to resort to these treaties in order to ensure our continued use of the Canal.

Admiral Holloway also made clear his view that—

Without bases, the introduction of U.S. forces would take longer and be more costly.

Admiral Moorer stated:

I believe a permanent U.S. presence in the Panama Canal Zone to be the only feasible and safe posture for all of the nations of this hemisphere.

In response to a question on the importance of the United States having rights in Panama after the year 2000, Admiral Moorer responded:

I think it is mandatory that we maintain a presence through one kind of agreement or another.

#### INTERNAL THREAT TO CANAL

Some type of insurgency from inside of Panama is generally considered to be the most likely threat to the canal in the event the treaties are not ratified. Lieutenant General McAuliffe, the U.S. Southern commander, our top military man in the Canal Zone, stated in his testimony before the Armed Services Committee, that with forces under his control:

Under the most likely threats, we can limit such interruptions (to the Canal operation) to ones of short duration.

General McAuliffe also testified that sabotage of the canal was a difficult job.

In this regard, Admiral Moorer testified:

The most likely attacks can be handled with present forces. So far as the fear of another Vietnam is concerned, there is absolutely no comparison.

He added that—

The Canal itself is tough. One hand grenade, or stick of dynamite will not bring the Canal operations to a complete halt as some suggest. While I do not doubt that there could be student demonstrations motivated from time to time by—to quote Ambassador Bunker—"persons trained in communist countries for political action," I do not think they comprise a threat that will bring about closing of the Canal or serious confrontation.

#### FORCES REQUIRED TO DEFEND THE CANAL

General McAuliffe testified before the Armed Services Committee:

If we are looking at simply a period of increased tension, then I would say my forces would need to have some modest augmentation security and surveillance forces in order to maintain our capability for defense over a

sustained period. If, on the other hand, we are faced with widespread violence . . . civil disturbances, guerrilla action and insurgency, then . . . my estimate (of reinforcement required) runs upward of about the sum total of 40,000 troops. . . .

Admiral Moorer testified:

The proponents of these treaties proclaim again and again that the only way to handle the internal threat is to ratify the treaties and give up the Canal. It is repeated over and over again that we are not interested in ownership, only continued use, which can be acquired only with the help of the Panamanians. Otherwise, they say, 100,000 troops will be required to defend the Canal and we will immediately be plunged into another Vietnam. I do not accept any of these scare statements. In the first place, a major part of the income of Panama is due directly to the existence of an operating Canal. If the Panamanians make an effort to sabotage the Canal, they are the ones that will be harmed. Most of them know this. In the second place, it is a gross overstatement to suggest that 100,000 men will be required to defend against saboteurs even if they are supported by the 1500 men Panamanian armed forces. I estimate that 50,000 or less would be adequate even in the face of an unusually large scale determined effort with outside support.

#### ATTITUDE OF LATIN AMERICA TOWARD TREATIES

Mr. President, one of the great myths surrounding these treaties is the view that the United States will alienate all of Latin America if we do not ratify these treaties. This point of view would have us believe that all of Latin America strongly supports U.S. turnover of the canal to Panama.

Let us address this point. When former Deputy Secretary of Defense Clements testified before the Armed Services Committee, he indicated that Robert Hill, former Ambassador to several Central and Latin American countries, asked him to inform the committee that his contacts indicated most of these countries did not favor the treaties, because they were "convinced it would be an added cost to their economy" and because they were concerned "with respect to the security of the canal" since most of their trade depends upon efficient and economical operation of the canal.

At a meeting of the Organization of American States last year, the nations of Latin America passed a resolution by an overwhelming vote of 17 to 0 with three absentees to reaffirm:

The principle that the Panama Canal tolls should exclusively reflect the actual operating costs.

Panama abstained from this vote and apparently implicitly criticized the Organization of American States (OAS) for even considering the matter.

When Lt. Gen. Gordon Sumner, Chairman of the Inter-American Defense Board, testified before the Armed Services Committee he stated that the 19 countries of Latin America which comprise the Inter-American Defense Board:

Look at this Canal as the "Canal of the Americas" and it is important to those countries.

When asked concerning the views of Inter-American Defense Board countries on the treaties, General Sumner stated that he had talked to:



The Presidents, the Ministers of Defense and the high level military people of the 17 countries besides the United States and Panama, and that all express a very grave concern about the treaties.

He testified that—

They see the possibility here for conflict. They also see the possibility for mischief making by the Communists. . . .

He went on to add that all of these countries have "some type of Communist subversion or terrorism going on in their countries." General Sumner indicated that all members of IADB has "expressed reservations about the fact that the United States will no longer be in Panama. Once we do not have the bases there, then the entire area becomes destabilized."

Mr. President, from my own visits to Latin America made last year, I can confirm the views of both Ambassador Hill and General Sumner. There was considerable concern, particularly in countries on the west coast of South America concerning possible toll increases. Without question, the countries I visited in Latin America were worried about the possible involvement of Communists in Panama once the U.S. presence there was reduced or eliminated.

#### VIEWS OF RETIRED OFFICERS

Maj. Gen. J. Milnor Roberts, retired, executive director, Reserve Officers Association, testified before the Senate Foreign Relations Committee and indicated that of 282 admirals and generals who responded to a letter from him on the canal treaties, 278 opposed. That would only leave four in support of the treaties. Let me cite some of the officers opposed: Gen. Lyman L. Lemnitzer, U.S. Army; Adm. John C. McCain, the former commander in chief, Pacific; Gen. Charles L. Bolte, former Vice Chief of Staff, Army; Maj. Gen. Ernest L. "Mike" Masad, former Deputy Assistant Secretary of Defense; Maj. Gen. Kenneth O. Sanborn, former commander, U.S. Air Force—South Panama; and Brig. Gen. John S. D. Eisenhower, U.S. Army Reserves, son of the late President Eisenhower. These are among the flag rank officers opposed to Panama Canal treaties signed by President Carter on September 7.

Mr. SARBANES. Mr. President, will the Senator yield at that point?

Mr. SCOTT. Mr. President, I decline to yield until I finish my statement. Then I will be glad to yield.

Several more names might be of interest to Senators:

Lt. Gen. Robert W. Colglazier, Jr., AUS, retired, former Deputy Chief of Staff—Logistics.

Lt. Gen. Stanley "Swede" Larsen, USA, retired, former Deputy Commander in Chief, Chief of Staff, U.S. Army—Pacific.

Vice Adm. J. F. Bolger, USN, retired, former Deputy Chief of Naval Personnel.

Maj. Gen. Glenn C. Ames, AUS, retired, nationally recognized leader, also, in the National Guard Association, Association of the U.S. Army, and former adjutant general of California.

Maj. Gen. Homer I. "Pete" Lewis, USAFR, former Chief of Air Force Reserve.

There is even a Carter:

Maj. Gen. Leslie D. Carter, USA, retired, of Midlothian, Va.

As General Roberts testified:

Both Secretaries Rusk and Kissinger brought out the importance of grassroots knowledge. I suggest to you that right here we have more grassroots than you have seen for a long time, and the grassroots are overwhelmingly against the proposed treaty in Panama.

I know that much has been made of the support of the current members of the Joint Chiefs of Staff for the proposed treaties. In this regard, let me cite the testimony of Admiral Holloway before the Armed Services Committee who stated:

Because of the importance of the Canal, as a military man, I would very much like to have seen the complete responsibility and control of the operation and defense of the Canal in U.S. hands.

He further stated:

We (the military) deplore the situation that leads us to have to resort to these treaties in order to ensure our continued use of the Canal.

Admiral Holloway made clear his view that—

Without bases, the introduction of U.S. forces would take longer and be more costly.

It would appear that from strictly a military point of view the JCS would have preferred to have military personnel and bases in Panama, but that when they considered the political situation there the JCS came down on the side of the treaties.

Mr. President, the Commander in Chief favors these treaties. He has said so many times on nationwide television and otherwise. Active military personnel have been taught the chain of command concept that they are subject to higher authority. It is ingrained in them. But once they have retired a greater freedom exists to exercise their own independent judgment. To me that explains why there is a difference of opinion—diametrically opposed positions between the active and retired military leaders.

It appears to me that giving up the canal will weaken our Nation and I cannot help think of Neville Chamberlain's efforts to obtain "peace in our time" shortly before World War II. In my judgment we should reject both treaties as being contrary to the national interest.

Mr. President, I am glad to yield to the distinguished Senator from Maryland.

Mr. SARBANES. Mr. President, I wish to address the point that the Senator from Virginia just made with respect to the act of the Joint Chiefs of Staff. The subject has been discussed before in the course of this debate, and I think it is an absolute disservice to the acting members of the Joint Chiefs of Staff to imply that on this issue they are not reflecting their own true personal opinions.

We had the Joint Chiefs before our committee and directly put that question to them. General Brown was very forthright in indicating that he understood his responsibilities when he appeared before a congressional committee in response to direct questioning, that he gave

his personal opinion, that that was what he was doing, that he had no difficulty with disagreeing with the Commander in Chief in those circumstances if, in fact, he disagreed. He then went on to voice his very strong support for these treaties.

Other retired members of the Joint Chiefs and service chiefs—Gen. Maxwell Taylor, General Ridgway, Admiral Zumwalt, General Westmoreland, General Norstad—have endorsed these treaties. People may disagree with their judgment, but I hope that no one is going to question either the motives or the honesty or the integrity of either the Acting Joint Chiefs or former Joint Chiefs.

I disagree with the judgment or the wisdom of retired members whose names the Senator from Virginia has cited, who oppose the treaties, but I do not question their honesty or their forthrightness. I think it is a disservice to the Joint Chiefs to suggest that they are taking their position when it does not represent their true views.

Mr. SCOTT. I say to the distinguished Senator from Maryland that I have very high regard for the military. I have been privileged to serve on the Armed Services Committee since coming to the Senate. I have become personally acquainted with a large number of them, and I do not believe it is a question of their integrity. I think it is a question of indoctrination over the years. The Commander in Chief favors these treaties and his subordinates that are holding office. If we would put it on a more personal level, if in the Senator's own office, as a Member of the U.S. Senate, the Senator took a certain position—and we are talking about civilians now—I suspect that the members of the Senator's staff would take a similar position. When the Commander in Chief speaks, well, General Singlaub should listen. Perhaps he did not listen closely enough and he was called back and reprimanded.

Mr. President, let me read a letter that I received from a constituent that bears directly on this point. It is addressed to me, Senator WILLIAM LLOYD SCOTT, U.S. Senate, Washington, D.C.

DEAR SENATOR SCOTT: As a registered and active voter of Virginia I am writing to ask that you vote against ratification of the Panama Canal Treaties. I must also request that you not use my name in this matter as I have been told indirectly to support these treaties by General David C. Jones, Air Force Chief of Staff.

I am enclosing a copy of a message that General Jones sent to all commanders. Paragraph 5 makes it quite clear that we as military personnel are expected to support these treaties.

Although I cannot speak out publicly against the Panama Canal Treaties, I will not speak out in support of them either. . . . I would appreciate it if you and your staff not reveal how you received the enclosed message.

The unclassified telegram has a number of identifying features indicating the wide distribution it received. With these features removed, it reads to the following commands to which it was referred. And, Mr. President, I ask unanimous consent that this telegram from General Jones with regard to the Panama Canal Treaties be printed at this point in the RECORD in response to the questions raised by my distinguished colleague

from Maryland. I will be glad to let him have a copy if he cares to read it in its entirety.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

For Commanders from General Jones.  
Subject: Panama Canal Treaties.

1. On 10 Aug. 1977 Panamanian and U.S. negotiators announced agreement in principle on a conceptual framework for two new treaties. One, the neutrality treaty, provides for the permanent neutrality of the canal; the second, the Panama Canal Treaty, deals with the operation and defense of the canal. Both treaties would enter into effect after ratification and document exchange processes are complete. The neutrality treaty will be of indefinite duration, whereas the Panama Canal Treaty will terminate in all aspects on 31 December 1999.

2. The Panama Canal is a major defense asset, the use of which enhances United States capability for timely reinforcement of United States forces. Its strategic military advantage lies in the economy and flexibility it provides to accelerate the shift of military forces and logistic support by sea between the Atlantic and Pacific Oceans and to overseas area. United States military interests in the Panama Canal are in its use, not its ownership. The proposed treaties would assure that access to and security of the Panama Canal are protected in time of war and peace.

3. As President Carter has stated, "We will have operating control and the right to protect and defend the Panama Canal with our own military forces until the end of this century. Under a separate neutrality treaty we will have the right to assure the maintenance of the permanent neutrality of the canal as we may deem necessary."

4. The Air Force actively participated in the development of all defense related aspects of the proposed treaties, and fully supports them. They would provide a basis for development of a continuing friendly relationship between the United States and Panama which would be of significant importance in insuring that the Panama Canal would be available to the United States when needed. Once the U.S. no longer operates the canal, the proposed neutrality treaty would provide an adequate basis for safeguarding our interests in the canal.

5. It is important that our personnel, particularly our senior people, understand our support for the proposed treaties.

Mr. SARBANES. May I say to the distinguished Senator from Virginia that the telegram is not responsive to the question I raised and the question, to put it again, is does the Senator from Virginia question or doubt that the endorsement of these treaties by the current Joint Chiefs of Staff represents their own personal view as to what was in the best interests of the United States?

Mr. SCOTT. No, I do not.

Let me read the Senator what I said.

Active military personnel have been taught the chain of command concept that they are subject to higher authority. It is engrained in them, but once they have retired a greater degree of freedom exists to exercise their own independent judgment.

To me that explains why there is a difference of opinion, diametrically opposed positions between the active and retired military leaders.

Mr. SARBANES. General Brown, if the Senator will yield further, stated in his testimony before the Foreign Relations Committee, first of all, that—

The rules are quite clear that in response to interrogation before a congressional committee we answer fully and factually. The public record is quite clear where we have been in opposition to a Presidential decision.

And he then cited two examples and then went on to say, and I am now quoting General Brown, Chairman of the Joint Chiefs of Staff:

So it is wrong to say that in the case of the Panama Canal we are doing this only because a decision has been made. I have personally worked very diligently for 4 years to achieve these treaties with Ambassador Bunker and subsequently with Ambassador Linowitz also and as we have testified the key point that finally found its expression in a treaty of neutrality was conceived within the Defense Department. We have worked hard for this treaty because we feel it is right.

And I am only asking the Senator from Virginia not to question—he may disagree with General Brown's judgment, he may quarrel with where he comes down on this issue—but I would hope he would not question General Brown's own personal integrity with respect to the position he has taken and enunciated so clearly on this issue.

Mr. SCOTT. Let me say that I have not questioned the integrity of General Brown. I have defended General Brown on two occasions when his name was brought before our Senate Armed Services Committee for statements that he had said that were subject to criticism by some. But I would ask the distinguished Senator how would he account for the vast difference in opinion between the retired military and the active military? I do not believe there is the slightest doubt numberwise, rankwise, that the retired military are opposed to this treaty. You can name a few names.

Mr. SARBANES. That is right.

Mr. SCOTT. But you cannot name a great many names. The percentage of the retired military are against this treaty.

Mr. SARBANES. In response to the Senator from Virginia, first of all I would say that there are a number of very distinguished retired military who support the treaty, some of the best military leaders we have had. Second, the current joint chiefs are the ones who have the responsibility for protecting our defense and strategic interests and they, therefore, are required to analyze the options very carefully and the choices that are before the country.

Let me just quote General Wilson, the Commandant of the Marine Corps, in testimony before the Senator's committee, not before the Senate Foreign Relations Committee, before the Committee on Armed Services:

General Wilson said:

I can assure you that no one has put any pressure on me nor would I succumb if they did. I reach my position independently and I believe the other chiefs reach their own views independently.

These are the active people who have the responsibility and they have to make some tough judgments and they have to examine the matter very carefully.

Again the Senator may end up not agreeing with the judgment they make, but I do not think their good faith, their straightforwardness, and their honesty

in reaching that judgment should be put into question. That is the point I am addressing. I think the distinguished Senator from Virginia ought to, as I think all of us have tried to do, accept the motivation and the honesty of the people on either side of this debate and not question their own personal view when they have clearly stated that this is what their opinion represents in response to direct questions before the congressional committees.

Mr. SCOTT. Mr. President, I have twice responded to the distinguished Senator from Maryland. Active military personnel have been taught the chain-of-command concept that they are subject to higher authority. It is engrained in them. But once they have retired a greater freedom exists to exercise their own independent judgment.

To me this explains why there is a difference of opinion, diametrically opposed positions between the active and retired military leaders.

I cited a few minutes ago the response to the letter from Major General Roberts, retired, executive director of the Reserve Officers Association, where of 282 admirals and generals who responded to a letter from him on the canal treaties, 278 opposed, less than 2 percent for, less than 2 percent favored the treaty.

And I would ask the distinguished Senator from Maryland, because I have attempted to respond to him, why does he believe that there is such a difference between the retired military and the active military, because undoubtedly there is. I have put in the RECORD additional names, not wanting to take the time to read those names. I can read others if need be.

Mr. SARBANES. How many names did the distinguished Senator from Virginia cite in the course of this canvas?

Mr. SCOTT. Two-hundred eighty-two admirals and generals who responded to a letter from him on the canal treaties. Two-hundred seventy-eight were opposed. Now this is the executive director of the Reserve Officers Association. I think that is a respected group.

Mr. SARBANES. What was the nature of the letter which he sent?

Mr. SCOTT. I believe it is shown in the record of the Armed Services Committee, and I would be glad to read from the report of the committee.

Let me just start reading from page 587 of the hearings before the Committee on Foreign Relations, the distinguished Senator's committee. He says:

Well, to take a look at that impression I wrote a personal letter to all of the flag-rank members of our association which are in excess of 700, and included many retired regulars, many regular officers as well as reserve and guard. This is what I said to them in part:

"You are certainly aware that the administration has mounted one of the most massive public relations campaigns ever directed from the White House in an effort to convince the American people that the treaty will be good for them. A significant part of the pro-treaty propaganda is designed to show that the military security of the United States would not be damaged. The present active duty Joint Chiefs have been persuaded to give their blessing to the treaty, and the chairman, General George Brown, has at-



tempted to line up some flag-rank retirees on his side. However, Admiral Moorer, Admiral Burke, and other distinguished senior officers who are no longer subject to disciplinary action because they oppose administration policy, are on record in opposition to the treaty for very cogent reasons.

"It is my personal belief that the overwhelming majority of American military leaders are opposed to the 'pay-away' of the American Canal in Panama. Those of us who are not 'muzzled' should speak up so that our fellow citizens are not misled into the conviction that military leaders think the treaty is the greatest thing since we landed on the Moon."

As a result of that I have received replies and just this morning got a couple of more from 282 admirals and generals of the Armed Forces, from the regular component, the Reserve, the National Guard, Army and Navy and Air Force, Marines, and Coast Guard.

Of the 282, 278 opposed the treaty.

That is better than 98 percent of those responding opposed the treaty.

Mr. SARBANES. Will the Senator yield?

Mr. SCOTT. Certainly.

Mr. SARBANES. The letter to which they were responding was a solicitation, in that they were asked to join in public opposition to the treaties.

Mr. SCOTT. Well, it would appear so.

Mr. SARBANES. Yes, indeed, it certainly would appear so. It was a direct appeal that they join with General Roberts in opposing the treaties.

Mr. SCOTT. The distinguished Senator is placing his own interpretation, because why would not the people who felt strongly the other way—they were afforded the opportunity, and only four of them said to the contrary. They were not afraid of being disciplined.

Mr. SARBANES. They obviously did not want to join. How many letters were sent out?

Mr. SCOTT. The record says approximately 700.

Mr. SARBANES. 700. So well less than half of those to whom the letter was sent responded.

Mr. SCOTT. Well, I am told that when 10 percent respond, the Library of Congress has indicated to me that that is a good response, and I think this is an excellent response.

Mr. SARBANES. That is a good response to a communication from a Member of Congress. It may not be a good response when an association is communicating with its own members. But in any event—

Mr. SCOTT. It is certainly a valid sample, this response is.

Mr. SARBANES. As a factual matter, the response to a letter soliciting people to join in a matter—

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the treaty debate is to end at 6 o'clock. The time has run over 5 or 6 minutes, and the Chair is unable to indulge the Senators further.

Mr. SCOTT. Mr. President, I appreciate the courtesies of the Chair.

#### ADDITIONAL STATEMENTS SUBMITTED

Mr. HATCH. Mr. President, press accounts have recently indicated that major issues of the Panama treaties were not resolved until the concluding

weeks of the period of negotiations. It has also been asserted that these concessions were made as a result of pressure brought by Panama through a threat to reveal embarrassing actions taken covertly by the United States.

The Senator from Utah is not in a position to prove or disprove the allegations about Panamanian threats. However, it is possible to establish that significant concessions—this Senator would call them rash and dangerous concessions—were made at the last moment. There was certainly no need to rush this treaty, or to make such concessions. Yet the record now can show that such concessions were made in fact.

The Department of State has recently made available a July 11 draft of the Panama Canal Treaty. The draft made available is in Spanish and cannot be printed in the CONGRESSIONAL RECORD. However, a brief analysis of the July version has been made by staff, and shows conclusively that major decisions were made after that date.

Mr. President, I ask unanimous consent that the analysis and comparison of the July draft be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

According to a recently obtained preliminary draft of the Panama Canal Treaty, a number of significant concessions were made between July 10, the date on this document, and September 7, the date of signing of the final versions.

Several articles included in the official version do not exist in the preliminary draft. The latter contains no provisions for employment with the Panama Canal Commission (Article X, official document), or injunction against American Commission employees undertaking political activity in Panama (Article V). Similarly, the text does not address itself to the display of the Panamanian or American flag (Article VII). There is no mention either of the procedure to be used in the statement of possible disputes about the interpretation of the texts. (Article XIV).

A number of articles are substantially different. Whereas the official text (Article XII) calls for an American-Panamanian feasibility study of a possible sea-level canal, the preliminary draft flatly gives the U.S. the right to build it, with construction to begin fifteen years after the entry into force of the treaty. In the latter document, the clause giving Panama veto power over construction of a canal in a third country by the United States does not exist.

Differences exist with regard to the payments to be made to Panama. The annual \$10 million payment in return for the public services Panama assumes in the former Canal Zone is given no mention. (This draft does not include details on the other payments, which were apparently still being negotiated at the time).

There are also variations with regard to the procedure to be followed in connection with certain lands (Article IX). The principal one relates to lands to which the licensing procedure is not applicable, or ceases to be applicable following the entry into force of the treaty. Under the July draft, individuals who own real property located on these lands may continue using the land at a cost no higher than that being paid before the enactment of the treaty. Under it, furthermore, Panama must allow the individuals to buy the land at a price which cannot exceed \$500 an acre. In connection with the transfer of

U.S. government property to Panama, (Article XII, official treaty) the Panama Railroad is not mentioned.

Under Article VIII of the official treaty, up to 20 officials of the Panama Canal Commission qualify for diplomatic immunity. Under the July draft, by contrast, a far higher number, 75, may receive it.

The provisions for the termination of the agreement are different in the two texts. While the final version calls for the treaty to expire on December 31, 1999, under the July draft it would end on that date or any time thereafter, with one year's prior notice required of the party wishing to terminate the agreement.

In the July draft, the section of the Annex detailing functions which may thereafter be performed by the Panama Canal Commission is not present. The section listing the functions which the Commission shall not perform exists in the preliminary draft, but two clauses are omitted from it. These are "commercial pier and dock service, such as the handling of cargo and passengers" and the blanket statement, "Any other commercial activity of similar nature, not related to the management operation or maintenance of the Canal." At present pier and dock service is one of the principal sources of revenue of the Panama Canal Company.

In comparing the finished English and Spanish version of the Panama Canal Agreement, a number of discrepancies come to light. The Spanish text "to handle" as the translation "to manage" in the context of American activities; similarly, it describes the Panama Canal Commission as having a "Board of Directors" which will "direct," while the English text refers to a "Board" which will "supervise." It is interesting to note that these problems are not present in the Spanish language July draft. Both "to manage" and "shall be supervised by a Board" are translated accurately.

#### DRUG TRAFFICKING IN PANAMA: AN APPRAISAL OF THE PROPOSED PARTNER OF THE UNITED STATES

Mr. HELMS. Mr. President, tomorrow, under a unanimous-consent agreement, the Senate will go into a closed session to discuss the allegations that have been brought against Panama with regard to trafficking in drugs. Such a procedure has both advantages and disadvantages. While it will allow Senators to examine and debate material now sealed in the files of the Select Committee on Intelligence, it will also prevent the American people from forming their own conclusions of the evidence. We have seen in the fruits of the Warren Commission the distrust and uncertainty which such a procedure breeds when it is applied to deeply felt, emotional issues. There must be no hint of coverup, no suggestion that secrecy has been imposed to silence politically damaging revelations.

If these treaties are ratified, the American people will be entering a 22-year partnership that confers great benefits upon a foreign government—benefits that could have been kept for the American people. The American people will be justifiably angered if it turns out that the Panamanian Government is controlled by an international gangster.

A major problem involved in the discussion of such matters in a closed session is that it imposes serious constraints upon any Senator who participates. A Senator must bend over backwards to avoid discussing privileged matters; he has to err on the side of too much caution. Sometimes the procedure has the

effect of putting a gag upon knowledge already in the possession of a Senator before he is given access to classified matters. Since the Senator from North Carolina has not yet had access to the files of the Intelligence Committee, he would like to discuss today the publicly known issues and facts before the record is closed. What I hope to do today is to lay down some basic principles as a public framework for the closed debate tomorrow.

#### BASIC PRINCIPLES

Here are the considerations we ought to keep in mind:

First. The issue is not an internal matter of Panama. The Panamanian drug traffic has very much involved the health and welfare of the United States.

Second. The Panamanian drug traffic is not a matter which is to be viewed as a problem in which many nations are involved in the general context of international relations; we have always had a special relationship with the Republic of Panama.

Third. Panamanian drug traffic has itself been stamped with a special character; the role of Panama has been unique and far reaching.

Fourth. The overwhelming evidence on the public record of the Panamanian drug traffic in the early seventies is not to be dismissed as past history; the participants today occupy positions of trust in the present regime in Panama.

Fifth. The absence of aggressive investigative or diplomatic action by the United States since the signing of the Kissinger-Tack agreement of February 1974 is not to be taken as evidence that Panama has been "cleared"; rather, the obvious self-interests of both governments suggest either a coverup or a temporary cessation of activity during negotiations and Senate debate.

Sixth. Although it is important to sift all evidence relating to the complicity of Omar Torrijos himself, Torrijos himself is not the issue. The focus should be on Panama as such; its form of government; its record of enforcement and cooperation over the past 10 years; and the complicity of a broad range of Panamanian officials and their relatives and friends.

Seventh. The evidence we are looking for with regard to the Panamanian dope traffic does not have to be limited to the type of evidence that would convict in a U.S. court. We are debating the conferring of a great benefit in Panama, at great expense to ourselves, and we are not trying to convict in a court of law.

Eighth. Finally, it is not correct to treat the Panamanian drug problem as a side issue to the treaties; for the treaties would place the United States in an intimate and mutual partnership with Panama that would be unparalleled in our relationship with any other nation in the world. Moreover, the provisions of the treaty and its related agreements place our Nation in the position where the United States is specifically prohibited from enforcing drug traffic controls in a U.S. Government facility that has great potential for criminal abuse.

#### THE EVIDENCE

The evidence now available shows that Omar Torrijos has aided, abetted and protected the drug traffic in Panama. In brief form, the evidence for the complicity of high Panamanian officials in the narcotics traffic is this:

First. Panama's geographic location and its transportation facilities make it an ideal location for the transfer and control of narcotics shipments either by sea or by air.

Second. In a 1973 report based on testimony and on-the-spot investigation by the House Merchant Marine Committee, Panama was found to be the conduit for one-twelfth of the heroin coming into the United States—enough for the daily supply of 20,000 addicts.

Third. Cases involving drug trafficking reached the highest levels of the Panamanian Government. Omar Torrijos and his Foreign Minister Juan Tack led public efforts to discredit and cover up revelations of such drug trafficking incidents.

Fourth. Moises Torrijos, brother of Omar, was indicted by a grand jury of the U.S. District Court for the Eastern District of New York as a coconspirator in a New York case in which five Panamanians were convicted and imprisoned for narcotics trafficking. The indictment still stands, and Moises Torrijos is liable for arrest if he steps on U.S. soil.

Fifth. According to the sworn statement of Leland L. Riggs, Jr., former Customs attaché at the U.S. Embassy in Panama, a warrant had been issued to arrest Moises Torrijos on the basis of the indictment, and that he, Riggs, was ordered to arrest Moises upon his scheduled arrival in the Canal Zone from Spain by passenger ship. However, Moises was forewarned, disembarked in Venezuela, and arrived by air, landing in Panama. Mr. Riggs points out that only the U.S. State Department and the CIA had advance knowledge of the planned arrest, and "Moises Torrijos could only have been alerted to the planned arrest by U.S. authorities."

Sixth. John Ingersoll, then Director of the Bureau of Narcotics and Dangerous Drugs, traveled to Panama, met with Col. Manuel Noriega, Chief of Panamanian Intelligence, and with Gen. Omar Torrijos, and discussed the indictment and warrant.

Seventh. Moises Torrijos had earlier been Panamanian Ambassador to Argentina, and had been declared persona non grata for his activities in that country. Even though he was persona non grata in Argentina, even though he was indicted in the United States, even though his government had been informed of the indictment, he was named Ambassador to Spain. He now enjoys high favor and currently is also director of treaty information for Panama. Despite this new responsibility, Moises Torrijos has never come to the United States since his indictment, not even for the treaty signing ceremony on September 7, 1977.

Eighth. The arrest of Raphael Richard Gonzales at the John F. Kennedy Airport on July 8, 1971, with 151 pounds

of heroin, led to a series of arrests and convictions of Panamanians and to the indictment of Moises Torrijos. Richard was the son of the Panamanian Ambassador to the Republic of China (Taiwan) and was attempting to use a diplomatic passport to bring in the heroin without customs inspection. Under international law, Richard was not entitled to a diplomatic passport; yet he bore such a passport signed by the Panamanian Foreign Minister, Juan Tack. Richard had made successfully four previous such deliveries of heroin undetected.

Ninth. The arrest and conviction of Joaquin Him Gonzales, air traffic controller of Panama's Tocumen International Airport, pointed up the crucial role which Tocumen has played in international smuggling. Him directed planes carrying millions of dollars worth of heroin to special areas of the airfield, where the cargoes were guarded by uniformed members of the Panamanian Guardia Nacional. Him was arrested in U.S. territory in the Canal Zone, and convicted in Texas, where he had arranged heroin deliveries. He was also an associate of Moises Torrijos.

Tenth. The Yolanda Sarmiento case points up the role of the Colon Free Zone in international smuggling. Intended to be a duty-free location for the import, display, and sale for export of manufactured goods, the Free Zone is not under the control of Panamanian Customs, but of the Guardia Nacional. According to Leland Riggs, Jr., the U.S. Customs attaché in Panama, Yolanda Sarmiento was responsible for shipping 100 pounds of heroin monthly to the United States. This heroin was stored in the Colon Free Zone. The Free Zone is 50 miles across the isthmus from Tocumen Airport; reportedly the heroin was shipped from the airport to the Free Zone in Guardia trucks. The United States recently agreed to the expansion of the Free Zone by leasing Old France Field, which is in U.S. territory, to Panama for \$1 a year.

Eleventh. Another Torrijos brother, Hugo, is in charge of the Panamanian state gambling casinos and the national lottery, operations which generate large amounts of unaccounted-for cash. He also owns a large nightclub which is a center for prostitution and retail drug dealing. The arrest of Gerardo Sanclemente for narcotics in June 1977 created consternation. Sanclemente is married to a cousin of the Torrijos brothers; he was induced to come to Panama from Colombia and to set up various business enterprises under their protection. He lived in a building owned by Hugo, which was also the offices of the National Casinos. His apartment in this building was the center of drug dealing. According to depositions taken in Panama, Hugo intervened to urge Sanclemente to give himself up. Subsequently, Sanclemente was taken to a medical clinic near a private airport used by the Guardia and Government planes; he escaped from the clinic and was taken away by a waiting plane.

Twelfth. A third Torrijos brother,



Marden, is traveling ambassador extraordinaire for the Government of Panama. Although no further information is available as to his duties and activities, the documented use of diplomatic passports for narcotics trafficking casts a cloud over the legitimacy of his appointment.

Thirteenth. Several investigative sources report that Omar Torrijos is a business partner with Frank Marshall Jimenez in several businesses relating to transportation, including trucking firms, buslines, and nonscheduled airlines. Also included in their interests is a freight forwarding firm that controls shipments into and out of the Colon Free Zone. Marshall is a fugitive from Costa Rica, a former member of the Costa Rican legislature, who used his legislative immunity to cover extensive liquor smuggling operations. When his immunity was lifted by Costa Rican authorities and arrest threatened, Marshall fled to Panama.

#### IMPLICATIONS

The facts related above have profound implications for the consideration of the Senate during the debate on the Panama Canal treaties. The first considerations go to the integrity of the Panamanian Government; the second go to the effect on the treaties of the treaties themselves.

It is sometimes said that the integrity of the Panamanian Government or the character of its leaders are irrelevant to the treaty debate; it is said that the treaties represent the universal aspirations of the Panamanian people no matter what government might be in charge. Nevertheless, the only way that we can deal with the Panamanian people is through their government. It is self-evident that the treaties are agreements made with the government, not with the people. Therefore, even if it be granted for the sake of argument that the treaties do represent the aspirations of the people, if the government is deeply flawed it cannot be the vehicle for the fulfillment of those aspirations.

Although corruption exists in almost every government, including our own, the key to integrity is whether there also exist the checks and balances which can identify that corruption and eliminate it. No one can pretend that the Panamanian Government is a representative government, or that it contains checks and balances. Even outside the governmental system, there are no political parties, no free press, or other countervailing political forces. In form it is a military dictatorship; in practice it is a fiefdom for the Torrijos family and their favored cronies.

Although the Panamanian Government has made a great show of narcotics enforcement, in practice most of those arrested are small dealers, or third country nationals who are attempting to muscle in on the territory. The market for the Panamanian dope trade is not Panama, but the United States. Only those with the right connections can prosper; those who are arrested know that they are subject to extortion if they want their freedom.

This posture is evident in the restrictions which were placed upon U.S. agents working out of the U.S. Embassy in Panama. They received cooperation from Panama only so long as their cases dealt with "little people." Before they could proceed to investigate a case, permission had to be obtained from Panamanian officials; the moment the case involved any member of the National Guard or substantial amounts of drugs, permission was denied. On the side of the U.S. Government, State Department officials worked hand in glove to reinforce these restrictions on U.S. narcotics agents. The actions taken to thwart the impartial justice of the U.S. judicial system in the case of Moises Torrijos is a sensational example; but the daily effect of similar actions in operational activities is bound to have a chilling effect on the effectiveness and output of U.S. narcotics agents.

The impact of the narcotics trade upon the United States hardly needs to be discussed. It takes a toll not only in the thousands of addicts whose lives are ruined, but in the climate of crime and fear in our cities, the toll of robberies, injuries and deaths suffered by thousands of innocent citizens, the increased costs of welfare and medical attention, and the social costs of the decay of our great cities. The fact that Panama's leaders would participate in or condone such injuries to the United States should make us pause before we confer substantial benefits upon them.

#### IMPACT OF THE TREATIES

The ratification of the treaties would have the following impact:

First. The treaties would make us an intimate partner with a corrupt regime which uses the machinery of government for criminal gain. The benefits which will be conferred upon Panama will be placed into the trust of this corrupt regime. The daily knowledge of the citizens of Panama that the United States is supporting this regime in power and pouring millions of dollars into corrupt hands will inflame hostility and hatred against us. The over-riding object of the treaties purportedly is to improve relations with the Panamanian people; but it is far more likely that our relations will become worse.

Second. Panama would take total jurisdiction over customs. The treaties and related agreements specifically provide that offenses in narcotics trafficking will be under Panamanian jurisdiction, even in the canal operating areas. At the present time, U.S. Customs officials are able to search ships, make arrests (as, for example, in the case of Joachim Him, and in the attempt on Moises Torrijos) and to pass on information to Customs officials waiting at ports in the United States. None of this will be possible under the treaties.

Third. Panama will take charge of the Ports of Balboa and Colon, including piers, warehouses, and security. Thus it will be possible for a corrupt government to control completely the shipments of narcotics by sea, just as the Panamanian Government now controls Tocumen Airport.

Fourth. The Panama Canal Company presently has an Internal Security Division, which includes a narcotics intelligence unit. When the treaty is implemented, the canal organization no longer will collect narcotics intelligence. The canal operation, which has thousands of Panamanian workers, many of them in daily contact with foreign ships, will be a U.S. Government agency under the treaty; yet the United States will not be able to enforce or even collect information on the violation of U.S. narcotics laws on U.S. Government property.

Fifth. The unique geographic location of Panama at the midpoint between the two continents makes it ideally suited as a center for drug smuggling by airplane. The United States will be hampered in its drug enforcement programs because we will no longer have agents free to operate in the Canal Zone; U.S. enforcement personnel attached to the U.S. Embassy will continue to be under restrictions from officials who put good relations with Panama above the broader interests of the American people.

Mr. President, in order to provide a basis for the debate on the drug problem tomorrow, I ask unanimous consent that the following documents be printed at the conclusion of my remarks:

First. The statement of Leland Riggs, Jr., for the use of the Subcommittee on Separation of Powers;

Second. A series of articles by UPI reporters Nicholas Daniloff and Cheryl Arvidson on the drug situation in Panama;

Third. Excerpts from the book, "The Secret War Against Dope," by Andrew Tully, dealing with the Raphael Richard case;

Fourth. Excerpts from a 1973 report of the House Merchant Marine Committee dealing with narcotics trafficking in Panama.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STATEMENT OF LELAND L. RIGGS, JR.

Leland L. Riggs, Jr., being duly sworn, deposes and says as follows:

I, Leland L. Riggs, Jr., am a retired Special Agent in Charge of the United States Drug Enforcement Administration. I am familiar with facts involving narcotics intelligence collection in Central America.

I first became a criminal investigator for the U.S. Bureau of Customs in January, 1964, after having spent 8½ years as a highway patrolman. I was first assigned by the Bureau of Customs to duties in California where I conducted narcotics smuggling investigations for a period of 6½ years. Therefore, I was promoted from Customs Special Agent to Senior Customs Representative and was transferred to Mexico City, Mexico. Inasmuch as I am bilingual and speak Spanish, my assignment to Mexico was deemed to be advantageous to the agency.

While assigned to Mexico City, I had sole responsibility for Customs narcotics intelligence gathering and for conducting follow-up investigations forwarded to me by our domestic offices of investigation. My area of responsibility included not only the Republic of Mexico but additionally all of Latin America. However, 95 percent of my investigative time concerned either Mexico or the Republic of Panama.

During the time I was in Mexico in 1970

and 1971, I conducted several investigations in Panama. Subsequently, in June of 1972, I was appointed Customs Attache and instructed to establish an office in the American Embassy in Panama City, Panama. This occurred during the period when the entire Bureau of Narcotics and Dangerous Drugs agents force had been expelled *persona non grata* from Panama. I served as Customs Attache until July 1, 1973, at which time the Drug Enforcement Administration was formed and I then also assumed command of the Panamanian functions of the Bureau of Narcotics and Dangerous Drugs when the Bureau of Customs narcotics functions were merged with those of the BNDD. In short, I became the Special Agent in Charge of the combined office.

I left Panama on June 17, 1974, to become the Special Agent in Charge of the DEA District Office in Brownsville, Texas. Thereafter while on temporary assignment as Project Manager for a special DEA operation in Colombia directed against clandestine cocaine processing laboratories in Colombia, on November 30, 1975, I was attacked, beaten, and pushed off a retaining wall to a street below and suffered several fractured vertebrae, a broken ankle, kidney damage, and assorted cuts and bruises. The DEA subsequently retired me on August 24, 1976, for medical disability reasons.

When I first began conducting investigations in Panama, the BNDD Agent in Charge advised me that we had to be very careful about informing Panamanian government officials concerning our work since they were corrupt and also involved in narcotics trafficking. I soon learned from personal experience that this advice was sound.

During September, 1970, I traveled to Panama to conduct a follow-up investigation regarding a Yolanda Sarmiento case involving shipments of heroin from Panama to New York. Although I do not have presently in my possession intelligence reports prepared by me at that time, I do recall certain aspects of the case. Yolanda Sarmiento reportedly was smuggling approximately 100 pounds of heroin monthly into the United States. This heroin was reported to be stored in the Colon Free Zone in the Republic of Panama.

The Colon Free Zone is a large, fenced-in, heavily guarded section of Colon, Panama, on the Atlantic side where duty-free items are displayed in numerous stores for purchase, by persons and businesses based primarily in South America. I was advised by U.S. Canal Zone officials and a confidential source that the Guardia Nacional controlled and guarded this enclosed area. I later did manage to gain entrance with a U.S. Canal Zone official; however, we were only permitted to go into the showcase areas of the various stores. The Colon Free Zone is entered at a gate guarded by uniformed members of the Guardia Nacional. Although the Government of Panama does have a Customs Office and there are Panamanian Customs Agents, Panamanian Customs does not have responsibility for control of the Free Zone.

During 1970, United States Customs Agents in New York were able to effect the arrest of Yolanda Sarmiento, Emilio Diaz Gonzales, and others; however, Yolanda Sarmiento was released on bail, subsequently fled the country, and became a fugitive in Argentina. As best I recall, Emilio Diaz Gonzales escaped from prison in New York and is believed also to have fled the country.

My efforts to continue a follow-up investigation of the Sarmiento case were essentially unsuccessful because of the problem inherent in free movement within the Colon Free Zone resulting from the control of the Free Zone by the Guardia Nacional of the Government of Panama.

During my trips to Panama, I became aware of a BNDD investigation concerning

the Panamanian chief air controller, Joaquín Him Gonzales. Joaquín Him was reportedly directing heroin from Panama into Texas and using his official capacity in the Government of Panama to facilitate the movement of this heroin. He was subsequently indicted by a U.S. Grand Jury in Texas and was arrested when he entered the U.S. Canal Zone to attend a softball game. Joaquín Him was tried and convicted for facilitating the transportation of narcotics into the United States.

I understand that the arrest of Joaquín Him caused considerable dissension between the Ambassador and the U.S. narcotics agents in Panama. I experienced similar problems in connection with the Raphael Richard-Moises Torrijos case.

I learned of the Richard-Torrijos case after my assignment as the Customs Attache to the American Embassy in Panama. In fact, I became directly involved in the investigation concerning Moises Torrijos, now Panamanian Ambassador to Spain, and Raphael Richard Gonzales, the son of the then-Panamanian Ambassador to Taiwan. Richard was arrested on the evening of July 8, 1971, at John F. Kennedy Airport in New York in possession of 151 pounds of heroin. Immediately prior to his arrest, he claimed diplomatic immunity and asserted that his suitcase could not be opened and searched due to his diplomatic passport. A U.S. customs inspector advised him that he was accredited as a diplomat in Taiwan, not in the United States, and therefore had no diplomatic status in the United States. Also arrested that evening was Nicolas Polanco, a reported chauffeur-bodyguard of Moises Torrijos. Moises Torrijos was then the Panamanian Ambassador to Argentina; and he is the brother of Dictator Omar Torrijos.

The day following the Richard arrest, Guillermo Alfonso Gonzales was also arrested upon his arrival in New York City from Panama for the purposes of accepting delivery of the heroin Richard had attempted to bring into the country. Others arrested the same day were Jose Francisco Oscar San Martino, an Argentine, and Cesar and Amarico Altamirano, both Panamanians.

Subsequent investigations of the same case led to the indictment of Moises Torrijos by a Grand Jury of the U.S. District Court for the Eastern District of New York. Torrijos was indicted as a co-conspirator with the above-mentioned defendants. Thereafter, a warrant for the arrest of Moises Torrijos was issued by the U.S. Court for the Eastern District of New York. One the basis of the evidence of a warrant, I was instructed to be on the alert to effect an arrest in the event Moises Torrijos traveled from Spain through the U.S.-controlled Panama Canal Zone.

During either late 1972 or early 1973, I was advised that Moises Torrijos, accompanied by his wife, was traveling from Spain to Panama on a passenger vessel. Subsequent information showed that the vessel would dock in Cristobal, Panama, within the U.S.-controlled Panama Canal Zone. Arrangements were therefore made to effect the arrest of Moises Torrijos in the U.S. territory upon his arrival. However, Moises Torrijos was obviously informed of his impending arrest and departed the vessel at Caracas, Venezuela, where he flew by commercial airliner to Tocumen Airport within the Republic of Panama. When the vessel arrived, only Mrs. Moises Torrijos disembarked. Inasmuch as the only parties aware of the planned arrest of Moises Torrijos other than BNDD were the U.S. Department of State and the Central Intelligence Agency, Moises Torrijos could only have been alerted to the planned arrest by United States authorities.

During my tenure as Special Agent in Charge of Drug Enforcement, I did not have another opportunity to effect the arrest of

Moises Torrijos. In fact, during my tour of duty as Customs Attache before assuming command of the combined Customs and BNDD forces, I was advised that Washington officials of the Bureau of Narcotics and Dangerous Drugs traveled to Panama, met with Colonel Noriega, Chief of Panamanian Intelligence, and with General Omar Torrijos, and alerted them both to the existence of an indictment and warrant concerning the General's brother, Moises. To the best of my knowledge, the warrant for the arrest of Moises Torrijos is still in existence and presumably, if he touches U.S. soil, he is still liable to arrest.

During my tour of duty in Panama, several cases which were presented to the Panamanian enforcement officials were mysteriously terminated or not given proper attention. Due to my knowledge of their involvement, many cases were not presented to Panamanian enforcement officials so as not to compromise my investigation. Finally, I did not feel that I had the full support of the diplomatic community in the pursuit of my assigned mission in Panama, especially in those matters which tended to implicate officials of the Government of Panama. In any event, due to the eventual assignment of a State Department employee as the narcotics coordinator, I was relegated to a secondary position. Similar conditions now exist in most embassies where Drug Enforcement personnel are assigned, and in almost all cases the Department of State employee has no narcotics training nor expertise. It is my opinion that Department of State personnel are placed in the position of narcotics coordinator primarily to insulate and protect the activities of the Department of State from any so-called disrupting incident regarding narcotics enforcement directed against an official of the host government.

Given under my hand and seal on this the first day of December, 1977, in the City of Washington, District of Columbia.

LELAND L. RIGGS, Jr.

#### UPI INVESTIGATION OF DRUG TRAFFICKING IN PANAMA—PART I

(By Nicholas Daniloff and Cheryl Arvidson)

WASHINGTON.—Since 1971, the U.S. government has received a stream of allegations linking Panama's Supreme Revolutionary Leader, Gen. Omar Torrijos, his family and associates to drug trafficking, a UPI investigator has disclosed.

The allegations—some from officials, others admittedly second-hand—come from informants, drug pushers and agents. They are in files of the Canal Zone government, the Drug Enforcement Administration, the U.S. Army, the CIA, and congressional committees.

Attorney General Griffin Bell wrote Sen. Jesse Helms, R-N.C., last October that a grand jury had reviewed allegations against Torrijos and found insufficient evidence to warrant action.

The Justice Department says Torrijos has been "neither the subject nor target of an investigation." Federal drug enforcement chief Peter Bensinger states the disclaimer more cautiously: "General Omar Torrijos has never been the target of investigation."

President Carter is aware of the allegations. Carter, Bell and Bensinger met last fall to discuss their implications in the uphill battle to win Senate ratification of the treaties that would turn the Panama Canal over to Panama.

The allegations prompted the Senate to schedule a rare closed session Feb. 21 to examine them.

Treaty supporters call the drug questions peripheral to the canal issue.

But Sen. Robert Dole, R-Kan., says they involve the integrity of the Panamanian government and its ability to stand behind the agreements.



The current Senate ratification battle is so close opponents feel the drug issue could defeat the treaties. Supporters, short of the needed two-thirds majority, have accepted changes in the treaties, but hope to avoid the volatile drug issue.

United Press International began its investigation in January. Two UPI reporters examined scores of documents, many supplied by treaty opponents. These included investigative reports, affidavits, congressional testimony and interviews with officials in Panama and Washington.

Among at least 45 files on "the Panama connection" compiled by DEA, there are dossiers on Omar Torrijos, his brother Hugo, head of Panama's casinos; his brother Moises, Panama's ambassador to Spain; Col. Manuel Antonio Noriega, chief of Panama's intelligence service; and other officials and associates.

During the investigation, UPI confirmed that Moises Torrijos was indicted in the Eastern District of New York for heroin trafficking in 1972. A bench warrant for his arrest was issued May 16, 1972.

An attempt to arrest Moises Torrijos in December 1972 in the Canal Zone failed, according to several sources, because the Torrijos brothers were tipped by high U.S. officials. So far as is known, Moises is still subject to arrest on U.S. territory.

UPI also learned of a series of unusual actions to safeguard DEA files on the Panamanian situation. The files were moved several times during one week in October and rumors circulated on Capitol Hill that some documents may have been removed.

U.S. concern about narcotics smuggling through Panama goes back to the Vietnam War period. U.S. narcotics agents estimate up to 47 tons of narcotics arrive in this country from Panama each year.

This volume has led U.S. officials to suspect that the "Panama connection" operates either with the aid or negligence of Panamanian officials.

"There's no doubt that senior officials in that country are involved," one former official told UPI. The source, who asked not to be named, had direct responsibility for stopping the narcotics flow from Panama.

Panama, linking the oceans and North and South America, is a natural transit point for contraband. Whenever goods are consigned to bonded warehouses for trans-shipment, smugglers have opportunity to hide drugs in legitimate cargoes.

For at least the last 17 years, drug agents have watched goods and passengers transiting the canal, the U.S. Canal Zone, Panama's free trade zone at Colon and Panama City's Tocumen International Airport.

One airport official, Jose Delgado, was named by two Panamanian informants as a connect for cocaine packages from Colombia destined for Omar Torrijos.

Former Panamanian intelligence agent Alexis Watson told House investigators Jan. 5 about an incident he witnessed at the airport in November 1976:

"There is a Colombia guy . . . he says he is Torrijos' second cousin. He used to come to Panama each week. When he came . . . this is something that I investigated and I saw the package . . . he carries some packages. He was received by Torrijos himself. They went to a place in the free zone of the airport . . . a guy named Delgado, and left the package there."

Watson told House Merchant Marine Committee investigators he did not see the contents, but was convinced they were drugs. He said a Panamanian Air Force pilot told him he was flying to El Salvador to deliver just "one package that Delgado has from Torrijos."

A second Panamanian informant also named Delgado and others in sworn testimony: "Their actions and involvement with Torrijos and other Panamanian officials make

it highly probable that they are either actively involved or at least very knowledgeable of narcotics being smuggled into and out of Panama."

Watson told House investigators the Transit S.A. company, which he said was operated by Omar Torrijos and Noriega, handles Colombian coffee with cocaine inside.

Watson said in November 1975 he saw associates of Torrijos take "three sacks of two kilos of cocaine" out of coffee bags. He said Carlos Duque, manager of Transit S.A., and Orejita Ruiz, a former Torrijos bodyguard, and a Lt. Col. Cecilio Fisher of the National Guard were involved. The second Panamanian witness also said Duque and Fisher were in the drug traffic.

In 1972, Watson also said he saw Omar Torrijos, Panamanian President Demetrio Lakas and a suspected drug dealer named "Padilla" in Lakas' office dividing about \$200,000 in \$100 bills. "I think if Padilla is there, it was drugs," Watson said.

Noriega, who last week called Watson "a paranoid and an embezzler," was praised recently by Bensinger for anti-narcotics efforts. But in DEA intelligence reports, Noriega is mentioned along with other drug traffickers.

Watson also testified Noriega ordered him in 1971 to release Padilla's brother and an American he had arrested in Panama City.

"I called my commander and told him I had two people with cocaine, five or six pounds. I gave their names, I had their identification in my hand. Immediately I received the order, 'Put those people on liberty.'"

The House interviewers asked: "Who was your commander?"

WATSON. "Noriega."

INVESTIGATOR. "You called Noriega on the radio?"

WATSON. "He didn't speak to me, but the order received by radio said: 'Number One says to free those people.'"

INVESTIGATOR. "'Number One' meant Noriega?"

WATSON. "Yes."

The congressional testimony meshes with the picture emerging from the following DEA documents:

A 1973 document states that Colombian suspect Andres Velasquez planned a trip to Tocumen Airport to make a drug drop for the Torrijos brothers.

A 1974 report quotes an informant as saying Frank Marshall Jimenez "worked directly with and for Gen. Omar Torrijos in Panama and that between the two of them, they control the contraband traffic from the free zone of Colon, Panama."

It also states the Torrijos brothers "own 33 1/2 percent interest in the Gran Hotel de Costa Rica and that the gambling casino there was operated by the Torrijos interests . . . This hotel has been suspected of being a contact point for international narcotics couriers."

A 1975 document states Ramiro Rivas, owner of a Panamanian cement company, tried to buy a freight company to help move drugs for Omar and Hugo Torrijos.

In an interview, a high U.S. diplomat in Panama criticized Omar Torrijos for retaining Hugo as director of national casinos: "It's just too much of a temptation."

Hugo Torrijos' name surfaced when Panama seized 145 pounds of cocaine at Tocumen Airport on June 9, 1977.

One suspect was Gerardo Sanclemente, a Colombian married to a Torrijos relative, Gloria Nubia Quinceno. Sanclemente allegedly helped move narcotics through the airport. He carried a "courtesy of the port" card, which assured him favored treatment and a letter from Hugo Torrijos to Delgado.

Senora Sanclemente quoted Hugo as telling her in a phone call, "I want Gerardo to give himself up, it's the only way I can help

him. I want him to call Darlo Arosemena (chief of Panama's equivalent of the FBI) at 22-2415, and turn himself in; he won't be mistreated or anything."

Sanclemente complied. Because he was ailing, he was confined to a hospital near Panama City's Paitilla airport."

In October of last year, a second suspect held in Paitilla medical center bribed a guard and escaped to Colombia. Rumor's swept Panama City that Sanclemente had escaped, too. U.S. authorities in Washington and Panama City denied the rumors.

Questions about Hugo Torrijos' activities still circulate.

"Hugo Torrijos has a background from 20 years before as a cocaine addict," Watson told investigators. "Everybody in Panama knows. If you ask someone in Panama, 'Where can I buy cocaine?' They will tell you, 'go to Hugo.'"

Watson recalls, too, seeing Omar and Hugo publicly snorting cocaine in a bar run by Hugo in 1961: "We started drinking when about 12 midnight, I saw him and Hugo take drugs. And I asked (a companion) what is Omar doing?"

He said: "They are big, so you don't have to do anything about it."

Watson is convinced Omar Torrijos no longer handles drugs personally.

Omar can't be so stupid to handle this thing in that way, Watson told UPI in a telephone interview Feb. 10 before leaving the United States for a hiding place abroad. Watson fears his disclosures will provoke Torrijos to reprisals.

Next, the supreme leader's brother—an indictment and a tipoff.

## PART II

WASHINGTON.—One of the best documented instances of Panamanian government involvement in narcotics led to the indictment of Omar Torrijos' brother Moises, now Panama's ambassador to Spain, for heroin trafficking.

A two-month UPI investigation of the case turned up allegations that the Panamanian "Supreme Revolutionary Leader" was tipped off to the indictment against his brother by high U.S. officials and that Moises was able to evade arrest.

On July 3, 1971, Rafael Gonzalez, the 23-year-old son of the Panamanian ambassador to Taiwan, was arrested at New York's Kennedy Airport with 154 pounds of heroin in his suitcase.

Richard was carrying a diplomatic passport signed by Juan Tack, then foreign minister, who represented Panama in canal treaty negotiations during the Nixon-Ford years.

Richard claimed diplomatic immunity, but customs agents determined he did not have legitimate diplomatic status.

Also arrested was Nicholas Polanco, chauffeur for Richard's uncle, Guillermo Gonzalez, a former bodyguard of Moises Torrijos, was believed to be a ringleader in heroin smuggling.

Customs agents discovered the trip was Richard's fifth trip with similar amounts of heroin, according to police reports. On previous trips, Guillermo Gonzalez had accompanied Richard, but this time, Richard and Polanco were to telephone Gonzalez in Panama on delivery of the heroin.

The agents persuaded Richard to call his uncle and urge him to come to New York. When Gonzalez arrived, he was arrested. Three others, an Argentine and two Panamanians, also were arrested. Gonzalez was convicted of heroin smuggling and sentenced to seven years in prison.

When the news reached Panama, according to one Panamanian who was present, Col. Manuel Noriega, Panama's intelligence chief,

told an associate. "You heard this ass-hole kid stuck his foot in it?"

Another Panamanian informant told House Merchant Marine subcommittee investigators that the associate replied, "Yes, yes, we're going to fix it."

Subsequent investigations resulted in the indictment of Moises Torrijos as a co-conspirator in the transportation of heroin. The indictment was handed down by a grand jury in Eastern District of New York, in May 1972 and a bench warrant for the arrest of Moises was issued on May 16, 1972, U.S. sources said. As far as is known, the indictment and warrant remain in force, meaning Torrijos is subject to arrest on U.S. territory.

A former high government official familiar with the case told UPI the evidence against Moises went far beyond helping obtain a diplomatic passport for Richard: "I've been told fairly recently that we have one hell of a good case against Moises Torrijos."

At the time of the Richard arrest, Moises was Panama's ambassador to Argentina. Later in 1971, he was recalled at Argentina's request after causing offense at a diplomatic reception. He was then assigned as Panama's ambassador to Spain.

The indictment has never been unsealed although the Miami Herald last October quoted Justice Department sources as confirming its existence.

UPI learned that U.S. narcotics agents tried to arrest Moises Torrijos in December 1972 but failed because other U.S. officials apparently had tipped Omar Torrijos to the indictment.

UPI was told by three sources that John Ingersoll, former head of the Bureau of Narcotics and Dangerous Drugs—DEA's predecessor—went to Panama and passed the information to the Panamanian leader.

Retired DEA agent Leland Riggs, who tried to apprehend Moises Torrijos, gave a sworn affidavit to a Senate Judiciary subcommittee stating he was assigned to the case on his arrival in Panama in June 1972: "I was instructed to be on the alert to effect an arrest in the event Moises Torrijos traveled from Spain through the U.S. controlled Panama Canal Zone."

Riggs said in December 1972, "I was advised that Moises Torrijos, accompanied by his wife, was traveling from Spain to Panama on a passenger vessel. Subsequent information showed that the vessel would dock in Cristobal, Panama, within the U.S. controlled Panama Canal Zone."

Riggs said arrangements were made to arrest Torrijos in Cristobal when the ship arrived.

"However, Moises Torrijos was obviously informed of his impending arrest and departed the vessel at Caracas, Venezuela, where he flew by commercial airliner to Tocumen Airport within the Republic of Panama. When the vessel arrived, only Mrs. Torrijos disembarked."

"Inasmuch as the only parties aware of the planned arrest of Moises Torrijos other than BNDD were the U.S. Department of State and the Central Intelligence Agency, Moises Torrijos could only have been alerted to the planned arrest by United States authorities," the Riggs affidavit said.

UPI determined that on June 21, 1972, six months before the arrest attempt, BNDD chief Ingersoll went to Panama to discuss the indictment with Omar Torrijos.

The following is a second-hand account which Senate investigators say they obtained from a "principal" at the meeting:

Omar Torrijos was sitting in a hammock with his feet propped up and smoking a cigar when Ingersoll and his group arrived.

Ingersoll told Torrijos he was reluctant to discuss the situation but "in fairness" he thought the general should know that his brother, Moises, had been indicted in New

York for heroin smuggling and a warrant had been issued for his arrest.

"The guy at the meeting said Torrijos made no move at all. He continued to smoke his cigar and there was no change in his facial expression. He didn't even take his feet down," the Senate source said.

Ingersoll offered to send someone to Panama to discuss the indictment with Moises, but the general said that wouldn't be necessary. But some time later, Torrijos contacted U.S. officials to send someone to meet with his brother.

Riggs, when questioned informally by Senate investigators, said he didn't know about the Ingersoll trip. But Riggs said his diary noted a Jan. 30, 1973, visit to Panama by Jerry Strickler, who Riggs identified as head of a Latin American division of BNDD in Washington.

After discussions with American officials, Strickler and agent Ed Heath met with Moises Torrijos, a session Riggs said he had assumed was the "first official notification" of the indictment.

UPI reached Ingersoll in Paris where he now works for IBM. He was asked about his trip to Panama in June 1972.

"I don't know what you're talking about," Ingersoll replied. "You expect me to remember what I was doing in June of 1972?"

Ingersoll said he had traveled to Panama "several times" to meet with Omar Torrijos but told the reporter to ask "the DEA people." \* \* \*

"I'm not denying or confirming it, and I suggest to you that if you want a denial or a confirmation that you refer your quote allegation unquote to the Department of Justice," Ingersoll said.

UPI learned from three sources—all in narcotics enforcement at the time—that a "government decision" led to Ingersoll's meeting with Torrijos where information on Moises' indictment was relayed.

Two sources said they believed the decision was made to put "pressure" on the Torrijos government.

One said the purpose was to reinstate agents who had been expelled from Panama in March 1972, after press leaks about the Richard investigation implicated Moises and Tack. The other source said Ingersoll might have offered to "go light" on Moises if Panama would strengthen anti-narcotics efforts.

The third source said the trip was made to avoid "an international incident." He said three White House meetings were held to discuss the tipoff. At these meetings, the source said, were Ingersoll, Egli Krogh, chairman of Nixon's cabinet level narcotics committee, Vernon Acre, former U.S. customs commissioner, and State Department representatives.

Ingersoll, the source said, got the assignment because of his "acquaintanceship" with Torrijos "and could approach him on a discussion basis."

"After the indictment was returned, there was a lot of concern and consternation over that fact because it did involve the brother of Torrijos. . . . The concern was if he came to the United States, he would be arrested. I think some of the State Department people were concerned over the fact that this might cause or create some kind of international incident," this source said.

#### PART III

WASHINGTON.—A UPI inquiry into drug trafficking allegations against Panamanian strongman Omar Torrijos poses questions about what happens when U.S. foreign policy objectives and narcotics law enforcement collide.

Several sources interviewed by UPI during a two-month investigation left a clear impression U.S. officials sometimes give "preferential treatment" when drug investiga-

tions—often based on hearsay—lead to officials of foreign governments, including but not limited to Panama.

The policy goes back at least to the early 1970s. It exists, sources indicated, because diplomatic and political considerations frequently take preference over narcotics enforcement efforts. In these cases, it is not deemed in the best U.S. interest to vigorously pursue the leads.

It also was suggested that despite known Panamanian government involvement in drug dealing, U.S. narcotics agents still need a working relationship with the country's police to stop other drug smuggling to the United States.

"Some (cooperation) is better than none," one current drug official commented.

A former enforcement official told UPI, "We have to do business there. If they're corrupt, we have to find out how they're being corrupted."

"I have no doubt that what the U.S. government really knows about these allegations will eventually become known," one American diplomat in Panama said.

"But in the meantime," he said, "the United States is in a real dilemma. Our intelligence files contain potentially libelous information on many world leaders. Are we to make these known to the public? Or should we withhold them because they may be libelous and because their release might affect foreign policy interests?"

The Carter administration inherited this policy, but the practices followed in the past became highly meaningful when Carter's negotiations reached agreement on treaty proposals to phase out U.S. control of the canal.

Alleged drug involvement by Torrijos, his brothers and his government may be peripheral to the question of ratifying the treaties, as their supporters claim, but it also could bolster opponents attacks on the integrity of the Torrijos regime! In fact, conservative opponents concede the drug allegations may now be their only hope to stop the treaties.

Faced with intense conservative opposition and an uphill ratification battle last fall, the Carter administration apparently decided last fall to take extraordinary efforts to keep the drug questions out of the public eye.

Included were administration pressures to quash a congressional inquiry that could have brought some allegations to light, secret movement and possible removal of DEA documents relating to the drug charges, and a decision to limit congressional access to the materials by giving them to the Senate intelligence committee.

In late September, Sen. James Allen, D-Ala., a leading treaty opponent, held the first hearings on the treaties before his Judiciary subcommittee.

Allen's subcommittee knew nothing of the drug allegations. Instead, it was focusing on reports involving U.S. bugging of Omar Torrijos.

The subcommittee wanted to find out whether Torrijos used knowledge of the bugging to blackmail American negotiators into making concessions. This suggestion was later denied by the Senate intelligence committee.

Allen's subcommittee issued two sets of subpoenas to an Army sergeant who supposedly sold the information to Torrijos and top officials of intelligence agencies and the Justice Department.

The first subpoenas dealt specifically with the bugging incident. A second set—far more broad—was issued later. Quentin Cronnell, staff director of the Allen subcommittee, believes the broad scope of the second subpoenas caused alarm because they might have opened up the drug issue.

Attorney General Griffin Bell, in a Sept. 29 letter to James Eastland, D-Miss., chairman



of the Judiciary Committee, said the subpoenas were "overbroad" and said they "could result in a serious misunderstanding" between the Intelligence and Judiciary committees.

The administration enlisted help from Senate Democratic Leader Robert Byrd, like Eastland a member of Allen's subcommittee, and from the top members of the intelligence committee—Sen. Daniel Inouye, D-Hawaii, and Sen. Barry Goldwater, R-Ariz.—to stop the Allen hearings.

After what one individual described as "the most intense pressure I've ever seen" on Allen, including threats of Senate censure, the Alabama Senator backed off. The hearing was canceled and the subpoenas became moot.

About this time, two vocal treaty opponents, Sens. Jesse Helms, R-N.C., and Bob Dole, R-Kan., were getting hints of raw intelligence data in government files relating to the Torrijos regime and narcotics.

The Allen subcommittee hearings were cancelled on Sept. 30—a Friday.

Documents and rumors circulating on Capitol Hill suggest that on the following Monday, there was a White House meeting between Bell, President Carter and others.

The Justice Department confirms that Bell met with Carter that day, but the White House claims to have no meeting recorded. However, the White House press office said that Carter might have met with Bell without a record of the session being made.

Congressional sources told UPI that at the Oct. 3 session and at another meeting later that week—reportedly Thursday, Oct. 6—there was considerable discussion about the drug material and its ramifications on the treaty debate if it became public.

A suggestion reportedly was made to Carter that he classify all government documents on the subject as "national security" material.

The President rejected this suggestion, sources said, and accepted a second option—limited disclosure to "safe" congressional sources, including the Senate intelligence committee, Byrd and Senate Republican Leader Howard Baker.

UPI ascertained that Bell and DEA chief Peter Bensinger did, in fact, brief Baker, Byrd, Inouye and Goldwater Oct. 6 on the drug allegations.

According to congressional sources, at this meeting Byrd told Bell and Bensinger that the best way to keep the lid on the drug allegations would be to send the files to the intelligence committee where strict security could assure "no leaks."

Later in the day, sources said the same briefing was given House Speaker Thomas O'Neill, who reportedly told Bensinger that "under no circumstances" should the files be sent to any House committee because of possible leaks.

A large number of drug files were moved from DEA to the Senate intelligence committee in late October or early November. Senators must sign a pledge not to reveal what they read in committee files under threat of action by the Senate Ethics Committee.

An intelligence committee report based on these documents was presented in secret session to the Senate Foreign Relations Committee, and a "sanitized version" is due to be released soon.

A closed session of the Senate will also be based on the material in the hands of the intelligence committee.

Although administration officials have repeatedly stated that all the government's files relating to Panama drug ties were sent to the intelligence committee, UPI was told that some material may have been removed before it reached Capitol Hill.

There have been suggestions that some sensitive material may have been placed in Bell's office safe or may have been destroyed.

In addition, UPI received reports that the DEA files relating to Panama were moved at least four times during one week in October—all but once without the usual accounting and receipting procedures to protect them—before they reached the intelligence committee.

Dole made the first public mention of files being moved from the DEA headquarters to its Washington field office during Senate debate on Oct. 13. The movement of files also came up with State Department officials during a hearing by Allen's subcommittee Nov. 15.

But when UPI attempted to get more information, reporters had to gather details indirectly, apparently due to a Bensinger warning on Oct. 7 that any DEA employee who leaked material on Panama would be fired and face criminal charges.

Congressional sources gave UPI details said to come from a DEA employee afraid to provide information directly to reporters. The information passed through two people before being relayed to UPI.

UPI was told that on Oct. 7, the Panama files were moved under high security from their normal storage site in DEA to the 10th floor of the building. One of the offices on the 10th floor is that of Gordon Fink, assistant DEA administrator for intelligence.

The following was the procedure as described to UPI:

With armed guards posted, the files were spread across table tops and examined, and particularly sensitive material removed. Bill Link, an assistant to Bensinger, was identified as supervisor of the operation.

Once the files reached the 10th floor, Link reportedly ordered the normal procedure known as a "paper trace"—requiring people in possession of files to sign receipts for them—suspended.

The files were sifted until 9 p.m. Between 11 p.m. and midnight, Bensinger went to the White House to brief Carter. Carter reportedly voiced concern over the impact of the information on the treaties if it became public.

The White House said it had no record of a late night visit by Bensinger on Oct. 7 but because of the lateness of the hour, conceded it might not have been recorded.

On Saturday, Oct. 8, an individual provided details on the file movement to a congressional source. At that time, he expressed concern about the security of the files.

On Sunday, Oct. 9, the files were moved to the field office. They were returned to headquarters Thursday, Oct. 13, to an individual identified as "Goe," head of Latin American security. Bob Goe is chief of the Latin American section of the Office of Intelligence.

A former high federal narcotics enforcement official, being interviewed on a different subject, volunteered that he had heard the files also were moved at during that week to Bell's office.

"I know first hand that when all this erupted (the allegations of Torrijos involvement in drug traffic), the files were moved from DEA to Justice," the source said. "I was told. There's no question about it."

A congressional source said he understood some material might have been put in Bell's office safe.

UPI also was told that on Oct. 11, a DEA secretary for routine reasons asked for a file labeled "Panama-Miami." She was denied the file and questioned for three hours by Fink's security division to find out if she was the source of a leak.

UPI was also told—again by congressional sources who said the material was coming from high in the DEA—that the Panamanian

drug files allegedly contain information about members of Congress.

These sources said at least one current senator is named as receiving a campaign contribution that may have come from a foreign government and that the files hint of intelligence work done by DEA involving members of Congress.

Dole filed a Freedom of Information request with the DEA on Oct. 14, 1977, for material on the Panamanian drug allegations. He listed 45 specific files relating to the possible involvement of Torrijos, his family and his government in drug dealing.

After some delay, Dole received a 75-page report with none of the material requested. Dole said it was "heavily censored" and "almost totally sanitized."

"All I ended up with was a bunch of newspaper clippings," the senator said.

When Dole protested, Bensinger replied that DEA "was conforming to the specific request and direction of the Senate leadership of both parties that files regarding Panamanian officials and the family of Gen. Omar Torrijos be made available specifically to the Senate intelligence committee."

Bensinger told Dole: "We have complied fully with that directive and have furnished them complete file information. As we indicated at that time, Gen. Omar Torrijos has never been a target of investigation."

But, in an earlier letter to Sen. Jesse Helms, R-N.C., Griffin Bell conceded Omar Torrijos was the object of a grand jury investigation.

Helms had written Bell in October enclosing a raw intelligence file naming Omar Torrijos and asking for information.

Bell responded that DEA learned CBS planned a report on the document, and the Justice Department public information office "informed CBS that a grand jury investigation based on the report had failed to produce any evidence linking the chief of state to the illegal drug traffic."

In practice, Bell said, "DEA and the Department of Justice should not give credibility to such hearsay allegations by announcing the steps, if any, taken to investigate them."

Bell said he therefore had instructed the Justice Department spokesmen to state that none of the allegations have resulted in investigations of Torrijos.

The order stuck: to this day the Justice Department refuses to state there was a grand jury investigation of Omar Torrijos.

Dole, on his return from Panama, wrote Bensinger that Omar Torrijos had promised to contact DEA and help the senator secure the drug files. But Bensinger replied with information about cooperation between the Panamanian authorities and the DEA on drugs. Dole fired back a letter saying, "I believe you misunderstood the point of my communication to you."

Bensinger then conceded there were two matters involved and suggested "with respect to DEA file material, I would again recommend that you contact the Senate Select Committee on Intelligence which has copies of all DEA files regarding this matter."

When UPI requested a briefing on the Panamanian drug situation from DEA, reporters were told there could be no questions about Torrijos.

UPI tried to contact Leland Riggs, a retired DEA agent who once attempted to arrest Moises Torrijos, about an affidavit the agent gave to Senate investigators.

A congressional source placed an introductory telephone call for the reporter. After declining to answer four calls from the reporter, Riggs told the congressional staffer he had received word from an individual in DEA whom he knew and trusted. Riggs said the DEA official cautioned him "not to talk

to anybody except the Senate Intelligence Committee."

"I'm on ice," Riggs said.

UPI also sought to reach a DEA agent in Denver who had been involved in the investigation that led to the indictment of Moises Torrijos. The agent, Wilbur Place, said he needed permission from Bensinger before talking to anyone.

That, he conceded, was unlikely.

#### THE SECRET WAR AGAINST DOPE

(By Andrew Tully)

##### CHAPTER 10—DIPLOMATIC STEW

Cases like that of the heroin-carrying picture frames have caused United States Customs inspectors everywhere to adopt an amiably sardonic attitude toward their more glamorous colleagues in the investigative Customs Agency Service. The mostly anonymous inspectors, many of them now women, like to joke that the sleuths are "the first line of defense against junk—after us." In point of fact, this is true because the overwhelming majority of dope smugglers try to sneak their stuff into the United States through the legal channels provided by the Customs inspection routine. If the inspector misses the contraband in a suitcase or picture frame, the agent has no case. But in the past decade Customs inspectors have become more than just people in uniform who paw through a traveler's personal effects with infuriating care. They have been trained in their own investigative procedures. They have learned to recognize the smuggler's "profile," to be suspicious of numerous visa and entry stamps showing extensive travel, and to take a second look at an individual whose passport bears the seal of a country with a casual, if not corrupt, attitude toward smuggling. Among other characteristics, the average inspector tends to view with leery eye the wayfarer with diplomatic credentials. He has learned that some members of this elegant tribe are wily practitioners of the old shell game and that it is unwise to take them on faith. Thus the interest shown in a young Latin American who arrived in the United States on a summer evening in 1971.

As any poker expert can testify, a successful bluff depends to a large extent on an accurate appraisal of the other player's intelligence. Raphael Richard González, twenty-four, son of the Panamanian Ambassador to Nationalist China, was handsome and personable, but he was not very bright. It had never occurred to him, apparently, that United States Customs inspectors knew a thing or two about the international regulations applying to diplomatic passports.

When Richard arrived at New York's Kennedy International Airport from Panama shortly after 7 p.m. on July 8, 1971, he was carrying a diplomatic passport that showed he was a member of the ambassador's family. The passport bore a B-2 visa issued at the United States Embassy in Panama for multiple entries into the United States until August 31, 1974. With a special elegance befitting his position, Richard presented the passport to Customs Inspector Joseph Ania, who greeted him with the courteous respect due an envoy's son.

But if Ania was courtly, he also had the instinctive suspicion of his breed. He wondered about that multiple-entry visa and about Richard's luggage, which consisted of four large Samsonite suitcases and an attaché case.

"What's in your bags, sir?" Ania asked Richard.

"Summer clothing," replied Richard, abstractly.

Ania hefted one of the large suitcases. It seemed unusually heavy for a bag containing "summer clothing." He also noted that when

he turned the suitcase from one end to the other, the contents shifted.

Customs, in the person of Inspector Joseph Ania, had good reason to be interested in travelers entering the United States from Panama. Despite the preceding eighteen months, the little "republic" operated by the strong man General Omar Torrijos had become one of the principal conduits for illicit dope trafficking aimed at the American market. One estimate was that as much as one-twelfth of the heroin used by American addicts passed through Panama, which means that approximately 20,000 drug users in the United States got their daily supply by this route.

Moreover, the Panama Canal Zone was an American military base, and law enforcement people were concerned over the statistic which revealed that one-third of the prison population in the Zone was incarcerated on drug charges. Diplomatically, too, there was the danger that the narcotics traffic could complicate months-old negotiations on a new Panamanian sovereignty over the 500-square mile Zone but keep the defense and operation of the canal under American control.

There was also gossip, some of which found its way into print in American newspapers, that cronies of General Torrijos and officials of his regime were involved in the heroin trafficking and were stashing huge profits in Swiss bank vaults. Thus Richard's diplomatic passport made him suspect rather than giving him the privileged respectability such a document commonly bestows on its holder. Customs had no desire to meddle in foreign policy, but the bureau willy-nilly had an official, obligatory curiosity about the baggage of potential smugglers.

"Would you mind opening your bags?" Ania asked Richard.

Richard politely demurred. Waving his passport languidly, he told Ania, "I have diplomatic immunity."

"I'm afraid not," replied Ania. "Your passport shows that neither your father nor you is accredited to the United States, only that your father is accredited to Taiwan. Immunity granted only by the country to which a diplomat is accredited."

There was a brief legal discussion. Then Richard informed Ania that, anyway, he was in transit to Madrid and therefore his luggage was subject to examination only when it reached its final destination. If that was true, Ania retorted, why was Richard's luggage not in the custody of Braniff Airlines for transshipment to Spain? Richard was unable to account for this. "It's the airline's fault," he said. At any rate, Richard was not about to stand still for an examination there and then of his luggage.

Inspector Ania went through channels. He notified Supervisory Inspector Leonard Simon of the impasse, and Simon escorted Richard to a small conference room for a little chat. Richard steadfastly refused to open his bags. He now explained that, anyway, he had lost the keys to the luggage. Thereupon, Simon dispatched an aide on an errand. The aide was back in a few minutes with a set of duplicate keys obtained from a large Customs collection at the airport.

Simon opened all four suitcases and the attaché case. None contained clothing or toilet articles. They did yield 140 plastic bags of white powder. A simple field test of the powder revealed a positive finding for heroin.

Special Agent John Glery was summoned, and he placed Richard under arrest for violation of the federal narcotics laws. After Richard had been informed of his rights under the Constitution, Agent Glery offered the young man some fatherly advice. Richard thought things over, then agreed to cooperate.

He told his interrogators that he had traveled from Panama with Nicolás Polanco, "a

kind of bodyguard." Polanco, said Richard, had already cleared Customs and had observed his arrest from the "fishbowl" area of the observation deck in the International Arrivals Building. Both Richard and Polanco had been instructed to contact the heroin shipper, an uncle of Richard's named Guillermo Alfonso González López, upon their arrival in New York. Richard gave Agent Glery González' telephone number in Panama—645-357.

An alert was placed with the New York Telephone Company to put a hold on any calls to the Panama number. Meanwhile, according to Richard's instructions, the agents checked the young man into Room 897 of the McAlpin Hotel at 34th Street and Broadway.

At about 10 p.m., Customs got a call from the telephone company. Agents forthwith descended on a public telephone booth at 42nd Street and Eighth Avenue. There they arrested Polanco while he was waiting to get through to González. An agent hung up the phone for Polanco. Customs hoped to have its own little chat with González, later, an eventuality Polanco's warning call would have thwarted.

Thus when agents escorted Richard to his room at the McAlpin about midnight, they were delighted to hear the telephone ringing. Richard had his instructions. When the caller turned out, as hoped, to be González, he told his uncle, "Everything is okay."

The agents heard González ask Richard why he was so late checking into the hotel.

"I got lost," Richard told him. He also informed his uncle that Polanco, by then incarcerated in a cell in the Federal House of Detention, was "downstairs getting a sandwich."

"Okay," González told Richard. "I'm leaving on a Lan-Chile flight arriving at ten o'clock this morning at Kennedy. Stay in your room and wait for me."

As the official Customs report put it: "Arrangements were made in New York for the expected arrival of Guillermo González." Some arrangements. A call was put through to the Customs office in Miami, and instructions were given to the agent in charge there to put a man on the plane González would be taking to New York. Thanks to Richard, the Miami office could be provided with description of the youth's uncle—Panamanian, five feet, five inches tall, slim build, about 135 pounds, mustache, black hair, white complexion, forty-two to forty-six years of age.

Then Richard talked some more. He told his interrogators he had made five previous flights from Panama to the United States with heroin in his luggage—four in the fall of 1970 and one in January, 1971. On all these flights, Richard said, González accompanied him as "bodyguard."

González arrived at Kennedy Airport at 11:30 a.m. via Miami. Unknown to González, it was a couple of Customs agents who escorted him to a taxicab operated by Special Agent Mario Sessa. González told Sessa to take him to the McAlpin Hotel. En route, the Panamanian informed Sessa that he had a friend in the Hotel Edison and asked if Sessa knew the Edison address. Sessa gave him the address. González thanked him and remarked that he must remember to call his friend that night.

Upon his arrival at the McAlpin, González went directly to Room 897, where he greeted Richard and made some small talk. Then, with Customs men eavesdropping, González told his nephew to place a call to the Hotel Edison. When the call was put through, González took the phone and was connected with an Oscar San Martín in Room 834. González and San Martín arranged to meet in the bar of the Edison within the hour. When González hung up, he was arrested by agents



who had been sequestered in an adjoining room.

Like Richard, González was willing to talk. He explained that his arrangement with San Martín for delivery of the heroin required him to place the four suitcases and attaché case in the locked trunk of a rented car, then leave the car in a public parking lot and deliver the parking ticket to San Martín. Ten minutes later, agents had rented a car and stashed Richard's luggage in the trunk. Under surveillance, González drove to a parking lot at 1250 Broadway where he left the car, then set off to deliver the parking ticket to San Martín.

With Customs men still dogging his footsteps, González dutifully arrived at the Hotel Edison, where he met San Martín and turned over the ticket. With González and his guardian agents standing by, San Martín placed a phone call from the hotel lobby. González then departed with his agents, while other Customs men remained to keep an eye on San Martín. Within a few minutes, a man later identified as Américo Altamirano arrived at the Edison and had a brief conversation with San Martín, after which San Martín returned to his hotel room under surveillance.

Agents followed Altamirano to a building at 310 West 47th Street. He left the building several minutes later, accompanied by a man later identified as his brother, César. The brothers walked around in aimless fashion for more than twenty minutes before arriving at the lot where the rented car was parked. There they separated, with César proceeding to the parking lot office while Américo strolled about in the immediate neighborhood.

César presented the parking ticket to a uniformed attendant named Duane Lane, whose full-time job was special agent of the Bureau of Customs. Lane drove the rented car from its space and delivered it to his customer. Then, as César attempted to climb into the car, he was arrested. When César refused to talk, his brother, Américo, was arrested on a nearby street. At about the same time, agents arrested San Martín at the Hotel Edison.

It was a little after 4 p.m. on July 9, 1971. It had taken Customs less than twenty-four hours to round up all six persons involved in the smuggling attempt. Agents had seized 151 pounds of pure heroin with a street value estimated at up to \$27,000,000—enough to supply the habit of every addict in New York City for almost a month.

The apprehension of Guillermo Alfonso González López also provided the Customs' Intelligence Division with some raw intelligence to be squirreled away for possible use on another day, in another case with diplomatic ramifications. On González' person were found various papers and an address book, which, in Customs' carefully calculated—and absolutely necessary—double-talk, "indicated" that González had had "associations with" some big names in Latin-American governmental and diplomatic circles, including at least one head of state, at least two ambassadors, assorted Cabinet ministers, and a couple of high-ranking military officers.

As one Customs official put it: "All these names make fascinating reading, but we couldn't lay a glove on their owners even if we had admissible evidence. They're a problem for their own countries unless they get in trouble on American soil and even then we probably couldn't hold them. In the meantime, we're not in the business of toppling foreign governments no matter what kind of creeps they have running their stores."

Besides, Customs at the time was preoccupied with its part in the final disposition of the case of Raphael Richard, *et al.* As receiver of the heroin, Óscar San Martín drew the stiffest penalty—a twelve-year prison sen-

tence on each of three indictment counts, to run concurrently. González, the operation manager, got seven years in the pen, and Richard three and a half years after both pleaded *nolo contendere*. Américo and César Altamirano each got two years, but charges against Richard's bodyguard, Nicolás Polanco, were dismissed by the United States Attorney's office after he had served almost six months in jail awaiting trial.

Meanwhile, however, Congress had become inquisitive about the drug situation in Panama, and in March, 1972, Customs' intelligence on official Panamanian involvement in heroin trafficking became a matter of public record. The vehicle of this exposé was a draft report by the unlikely Panama Canal subcommittee of the House Merchant Marine and Fisheries Committee headed by Representative John M. Murphy, Democrat, of New York.

The connection lay in the fact that the subcommittee had been studying and conducting hearings on the United States position in Panama vis-à-vis the future operation of the Panama Canal and jurisdiction over the Canal Zone. Among the experts to which the subcommittee turned was Customs Commissioner Myles J. Ambrose, who arranged a briefing for the panel by a group of special agents on January 24.

In a far-ranging review, the briefing agents cited some chapter and verse on thirty major heroin seizure cases during the preceding eighteen months. The seizures ranged from 13 pounds to several hundred pounds, and five of the seizures—or one-sixth of the total—involved the Republic of Panama. According to the subcommittee's draft report, "The briefing team concluded that based on the Customs investigation" the Richard case "reached into the highest levels of Panamanian officialdom and included Moises Torrijos, the brother of General Omar Torrijos, and the Panamanian Foreign Minister, Juan Tack."

The report on the briefing also noted that Nicolás Polanco, Richard's bodyguard, was a chauffeur for Richard's uncle Guillermo González, and that González was a longtime friend and former bodyguard of Moises Torrijos. Added the report: "The Customs agents claimed that because Richard's father was in Taiwan at the time of these transactions that he got his diplomatic passport from Moises, who had access to them as a Panamanian ambassador. Customs confirmed the Bureau of Narcotics and Dangerous Drugs' report that Juan Tack had signed the diplomatic passport."

Although the subcommittee acknowledged that narcotics trafficking was "basically an American problem run, in part, by Americans and criminals in other countries . . . as in every other part of the world, local nationals and officials succumb to the enticement of easy money and are lured into the drug traffic. This has happened in Panama."

The subcommittee was almost as rough on the State Department, which it charged "has had an historic policy of ignoring or denying the involvement in the narcotics traffic into the United States of high-ranking officials of friendly foreign governments . . . The question is [whether] the United States is negotiating a treaty that involves a 70-year, five-billion-dollar U.S. commitment, not to mention the security of the United States and this hemisphere, with a government that condones or is actually involved in a drug-running operation into the United States."

Although it flopped, the Richard caper combined two smuggling methods—one as old as international relations and the other a product of the jet age. A proper diplomatic passport has been the perfect *laissez-passer* for the carrier of contraband since the days of ancient Canaan. Travel by com-

mercial airline enables the dope supplier in Marseilles to promise speedy, often same-day delivery to the wholesaler in New York, Miami or Chicago, and payment within a matter of days. It has brought to the narcotics trade the rapid turnover of the supermarket.

However he travels, an accredited diplomat's person and baggage are safe from customs inspection. The same is true of the individual traveling with a head of state or a high government leader paying an official visit to a foreign country, no matter how clerkly his status. By courtesy and tradition, none of the visiting team's baggage is examined; and, of course, the diplomatic "pouch"—which might be as big as a piano box—is always inviolate. Occasionally, however, authorities are able to gather enough evidence of suspicious associations to move against even these privileged persons, in what might be called "the international interest"—for want of a handier term.

#### EXCERPTS FROM REPORT ON ACTIVITIES DURING THE 92D CONGRESS OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES AN OVERVIEW OF THE NARCOTICS PROBLEM IN PANAMA

One of the most pressing problems facing the United States—drug use and drug trafficking—has apparently not been overlooked by the young Americans in the Panama Canal Zone. According to reports coming to the Subcommittee, young dependents of military and civilian families "turn on" to "Panama Red", the local brand of marijuana, as readily as their counterparts in the United States turn to similar hallucinogenic drugs. A large percentage of the prison population in the Canal Zone is being held on drug charges.

Subcommittee investigators have been told that American G.I.'s have sought assignment to Panama because of the easy availability of cheap high grade dope. And this is not a recent development. As far back as 1968 members of the 101st Airborne Division reportedly volunteered for duty at the jungle training schools in Panama because of the lure of drugs. The Subcommittee has been told by U.S. drug law enforcement officers that the Panamanians have complained about the use of marijuana by U.S. troops and have charged that our G.I.'s have corrupted Panamanian troops by introducing them to drug use during what they ironically describe as "joint" maneuvers.

Since a clamp-down on major Mexican airports, Panama has become the conduit through which passes enormous quantities of dope—an estimated one twelfth of the heroin in a recent one year period—used by U.S. addicts. This means that at one point in time roughly 20,000 American drug addicts were getting their daily supply by this route. Large quantities of cocaine have also transited the Zone into this country.

With the increase in heroin and cocaine coming through the Canal Zone, the possibility of drug epidemics that have plagued our military bases and the dependents of both military and civilian support personnel in most parts of the world is a constant threat. This happened for example, in the sprawling U.S. air base, Ching Chuan Kang (CCK), Taiwan, on Okinawa, in the Philippines, and, of course, on a massive scale in Vietnam. Wherever this happens, our military strength is sapped, our image before the people of the host countries is tarnished and our capabilities to operate defense positions and vital installations such as the Panama Canal are diminished.

Given the sensitive nature of our current relations with Panama, we cannot afford to have the picture distorted by the use of drugs or the activities of mercenary American nationals, "soldier of fortune" pilots, and others who are making small fortunes by

running thousands of pounds of the world's illicit dope through the Republic of Panama. There are, of course, many points surrounding the United States where criminals transship narcotics into the United States—but these areas do not have a canal vital to the defense and commerce of the Americas and the entire world.

As Chairman Garmatz of the Merchant Marine and Fisheries Committee said in mandating the Subcommittee, we must keep abreast of all of those factors affecting the smooth and efficient operation of the Canal.

The narcotics traffic is a threat to our people there, to their children, to the American image in that country and to the relationships between our two countries. We must not let international dope peddlers and drug traffickers imperil the American position in Panama. It should be and must be stopped as quickly as possible and the Subcommittee intends to see that the Bureau of Narcotics and Dangerous Drugs Panama Task Force does this as quickly and efficiently as they did in Okinawa where a special BNDD led task force arrested 71 traffickers in nine months—mostly American servicemen and dependents—and all but wiped out the traffic on that island which contains 50,000 U.S. troops and civilians.

The Subcommittee in no way wishes to cast all of the blame on Panama or its officials for the sudden emergence of Panama as a pipeline for heroin and other drugs into the United States. It is basically an American problem run, in part, by Americans and criminals in other countries. \* \* \*

Another case which prompted the original BNDD assessment of Panamanian official involvement centered around Joaquin Him Gonzales, a notorious smuggler who was arrested in the Canal Zone by U.S. authorities on February 6, 1971. Within two weeks he was brought to Dallas, Texas, for his active participation in the drug market and tried for conspiracy.

Him Gonzales was international transit chief at Panama's Tocumen Airport and he used his high position to protect shipments of drugs to the United States. He was accused on this occasion of sending to Dallas somewhat over a million dollars worth of heroin. Gonzales was allegedly a Torrijos protege and this relationship was made clear when the Panamanian Government mobilized all its resources, something it had not done until that point, for the offender to be returned to Panama. Reports in the press cited the "angry outburst" and "outraged" protest of the Panamanian Government—led by Juan Tack—over the arrest of Gonzales.

An indication of the duplicity of certain Panamanian officials is found in a comparison of their public statements and their private or official actions in this regard. For example, in October 1972, Colonel Manuel Moriega, the Intelligence Chief of the National Guard, proclaimed a desire for Panama to become the enforcement center for fighting the drug traffic in Latin America. Yet that same month intelligence reports of the United States Government sustains the 1971 BNDD assessment and we still find that Panamanian officials and security agents are allegedly involved in narcotics trafficking. A similar "offer" was made on April 8, 1972, which received worldwide publicity. However, U.S. officials, when questioned by the Subcommittee, were unaware of any direct contact by the Panamanian Government which would have brought this about.

The arrest of Manuel Rojas Sucre, the nephew of Panama's Vice President Arturo Sucre at Kennedy International Airport on December 3, 1972, with cocaine, liquid hashish, and a diplomatic passport (his mother is Panama's consul general in Montreal) is further indication of a need for continued

efforts by the United States Government to impress upon the Panamanians the seriousness with which we view the drug problem.

#### THE POSITION OF THE DEPARTMENT OF STATE

The State Department has had a history policy of ignoring or denying the involvement in the narcotics traffic into the United States of high-ranking officials of friendly foreign governments.

While the Department has taken a "soft" approach to the narcotics problem generally, in Panama it has reached an absurd extreme. For example, the Subcommittee was told by the director of the BNDD that as a result of the strong Panamanian objections to the arrest of Him Gonzales it is highly doubtful that the State Department would ever again allow the arrest of a Panamanian national in the Canal Zone; BNDD agents claimed the Panamanians were only paying lip service to narcotic drug enforcement and that the big trafficking was going on full tilt with the knowledge, sanction and even involvement of certain Panamanian officials and Guardia members.

After a preliminary Subcommittee report was released in March of 1972, on the involvement of Panama's Foreign Minister and others in that government in the narcotics traffic, three BNDD agents assigned to work out of the U.S. Embassy in Panama City were declared persona non grata and given 12 hours to leave the country. This ultimatum was delivered on national television by Foreign Minister Juan Tack. This was done after Tack had arranged for the agents to sign letters written by the U.S. Ambassador in Panama denying they had discussed with the Chairman of this Subcommittee the relationship of government officials of Panama to narcotics smuggling into the United States. In subsequent testimony before this Subcommittee, one of the agents stated that he had, in fact, discussed with staff members of the Subcommittee such high-level involvement. There were public denials by various administration agency heads of the charges made in the Subcommittee report—the most heated coming from the Department of State. However, a recent government document supplied to the Subcommittee compiled from information and intelligence gathered by the several agencies with a responsibility for international narcotic law enforcement reached the following conclusion on the so-called "Latin connection":

"Generally speaking, the greatest detriment to effective enforcement in Latin America is corruption. The corruption goes all the way to the top of some Latin American governments. One of the more glaring examples of official corruption is the country of Panama. . . ."

This Subcommittee is in accord with the proposal made by the authors of this report when they concluded:

" . . . Because of the known involvement of Panamanian government officials in the international narcotics traffic, the U.S. Government should take a firm stand in the current negotiation of a new treaty for the continued use of the Panama Canal Zone.

"The new treaty should continue to vest authority for the Canal Zone in the Canal Zone Police. The U.S. should not abrogate its authority to arrest fugitives from the U.S. who appear in the Zone, regardless of their nationality. The U.S. should not forego the right to remove such fugitives to the appropriate federal jurisdiction. By taking a strong stand, the U.S. will continue to provide adequate protection to the large number of U.S. citizens who reside in the Canal Zone. It will also prevent international traffickers from obtaining refuge in the Zone as they now do in Panama. More importantly, it will also demonstrate to the rest of the continent that the U.S. is com-

pletely serious about controlling the flow of narcotics into the country. It is recognized that by taking this stand, the Government of Panama will attempt to retaliate by creating incidents similar to those that occurred in 1934."

In summary, the Department of State has put a higher priority on placating an increasingly hostile and demanding regime in Panama than it has on taking a firm stand against government that is a major factor in allowing the international flow of heroin and cocaine presently inundating the United States. This is in spite of a wealth of evidence and intelligence that would dictate a firmer course of action.

The question that has apparently been left for the Congress to answer is: Is the United States negotiating a treaty that involves a 70 year—5 billion dollar U.S. investment, not to mention the security of the United States and this hemisphere with a government that condones or is actually involved in a drug-running operation into the United States?

In view of the weak reaction of the Department of State to the narcotics traffic in Panama, it is the conclusion of this Subcommittee that it is incumbent on the Subcommittee to let the Congress—and in turn the Panamanians—know that the United States will not tolerate the use of diplomatic channels and the attendant immunity to be used to funnel drugs into this country.

#### QUORUM CALL

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

#### ROUTINE MORNING BUSINESS

#### MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of February 10, 1978, the Secretary of the Senate, on February 13, 15, and 17, 1978, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on February 13, 15, and 17, 1978, see the end of the proceedings of today.)

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILLS SIGNED

Under authority of the order of February 10, 1978, the Secretary of the Senate, on February 14, 1978, received a message from the House of Representatives which announced that the Speaker had signed the following enrolled bills:

S. 1340. An Act to authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy



Research and Development Act of 1974, and for other purposes.

H.R. 3454. An act to designate certain endangered public lands for preservation as wilderness, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

#### MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the Senate to the bill (H.R. 4544) to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2637. An act to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose;

H.R. 5503. An act to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed Forces, and for other purposes;

H.R. 8336. An act to enhance the outdoor recreation opportunities for the people of the United States by expanding the national park system, by providing access to and within areas of the national park system, and for other purposes; and

H.R. 9370. An act to provide for the development of aquaculture in the United States, and for other purposes.

#### HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 2637. An act to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose; to the Committee on Armed Service;

H.R. 5503. An act to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed Forces, and for other purposes; to the Committee on Armed Services;

H.R. 8336. An act to enhance the outdoor recreation opportunities for the people of the United States by expanding the national park system, by providing access to and within areas of the national park system, and for other purposes; to the Committee on Energy and Natural Resources; and

H.R. 9370. An act to provide for the development of aquaculture in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 14, 1978, he presented to the President of the United States the following enrolled bill:

S. 1340. An Act to authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (by request):

S. 2544. A bill to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes; to the Committee on Foreign Relations.

By Mr. PROXMIRE:

S. 2545. A bill to amend the Federal Financing Bank Act of 1973 to prohibit the Bank from financing sales of military weapons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (by request):

S. 2544. A bill to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes; to the Committee on Foreign Relations.

#### SUPPLEMENTAL SECURITY ASSISTANCE AUTHORIZATION ACT OF 1978

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated February 3, 1978, and the section-by-section analysis.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Supplemental Security Assistance Authorization Act of 1978".*

SEC. 2. In addition to amounts otherwise authorized, there are hereby authorized to be appropriated to the President to carry out the Arms Export Control Act in the fiscal year 1978, not to exceed \$5,000,000, to be available

for obligation without regard to the limitations of section 31(b) of such Act.

#### DEPARTMENT OF STATE,

Washington, D.C., February 3, 1978.

HON. WALTER F. MONDALE,  
President of the Senate,  
U.S. Senate.

DEAR MR. PRESIDENT: Under cover of this letter, I am transmitting draft legislation to authorize a supplemental appropriation of \$5,000,000 to carry out the Arms Export Control Act in the fiscal year 1978. The funds made available pursuant to this legislation are intended to be used to extend up to \$50,000,000 Foreign Military Sales financing to Lebanon in fiscal year 1978 for the purchase of defense articles and services.

I make this request because I am convinced that our traditional ties of friendship with Lebanon, our support for Lebanon's national unity, territorial integrity, and sovereignty, as well as our national interests in the region of which Lebanon is a part, make our continued support essential for the efforts of the Lebanese Government to rebuild a national Army. Since the end of the tragic civil conflict of 1975-76, the government of President Elias Sarkis has been working to rebuild the country's shattered national institutions, including the Armed Forces which disintegrated during the fighting. Lacking an effective national Army, the Lebanese Government is unable to reestablish its authority throughout the country, particularly in the areas in the south bordering on Israel where continued instability endangers our Middle East peace efforts.

This legislation would enable us to continue to assist the efforts of the Lebanese Government through the current fiscal year, when our help will be urgently required, and provide concrete expression of our continued support for the constitutional central government and its unifying policies.

The Office of Management and Budget advises that there is no objection to the presentation of this legislation to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely,

DOUGLAS J. BENNET, Jr.,  
Assistant Secretary for  
Congressional Relations.

#### SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that the Act may be cited as the "Supplemental Security Assistance Authorization Act of 1978".

Section 2. This section authorizes appropriations of not to exceed \$5,000,000 to carry out the Arms Export Control Act in the fiscal year 1978. The amount authorized is in addition to the amount authorized for the fiscal year 1978 by section 31(a) of the Arms Export Control Act. In addition, sums appropriated pursuant to the bill may be obligated without regard to the aggregate ceiling imposed on the extension of FMS financing in the fiscal year 1978 by section 31(b) of the Arms Export Control Act.

By Mr. PROXMIRE:

S. 2545. A bill to amend the Federal Financing Bank Act of 1973 to prohibit the Bank from financing sales of military weapons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### REFORMING THE FEDERAL FINANCING BANK

Mr. PROXMIRE. Mr. President, I introduce today a bill to prohibit the Federal Financing Bank from lending money to foreign governments for arms purchases. Such loans now amount to about 8 percent of the Bank's total holdings.

The Federal Financing Bank Act, which my bill amends, established the

Bank in 1973. The purpose of the Bank was and is to consolidate borrowing either directly by the Government or under its guarantee. This improves management of the Government's credit and avoids extreme differences in interest rates between different types of obligations which are all backed by the full faith and credit of the United States.

The Bank has generally worked well and serves its intended purposes. However, the Bank's loans to foreign governments for the purchase of military items was not foreseen or intended when the Bank was established. The intention was that the Bank would mostly fund loans made or guaranteed by the Government for important national social or economic purposes. In fact, with the exception of the military sales loans, all of the Bank's present holdings serve these purposes. For example, two of its principal customers are the Farmers Home Administration and the Rural Electrification Administration. By contract, the Bank's military sales loans are the only ones which the Bank makes directly to foreign governments, and they clearly either do not serve or are not necessary to the objectives for which the Bank was founded.

I would like to make it clear that this does not mean that the Bank has acted without authority. Were that so, the bill I am introducing today would not be necessary. In fact, both the general language of the Federal Financing Bank Act and another provision of law permit the Bank to make arms sales loans. The effect of my bill will be to limit the wide generality of the provisions of the act so that the Bank will no longer have this authority.

Mr. President, the Committee on Banking, Housing, and Urban Affairs has recently held hearings on this subject. In these hearings, State, Defense, and Treasury representatives told us that military sales financing could be adequately taken care of by a combination of direct loans by the Defense Department and guaranteed loans. The direct loans would be made from appropriated funds; the guaranteed loans would, of course, be made by private lenders with their own money. Accordingly, in either case the Treasury would no longer have to borrow money to fund military sales loans. Furthermore, since the direct Department of Defense loans will be made from appropriated funds, Congress will have much closer oversight of these loans than was possible when they were made with borrowed funds. The guaranteed loans will at least have the same congressional handling and oversight as they have now.

Removal of military sales loans from the Federal Financing Bank will not impair the Bank's ability to carry out its functions. The Bank is not obliged by the present law to assume all Federal direct or guaranteed loans, nor does it do so. Rather, it chooses those which would be most likely to affect market conditions and levels of interest rates. Military sales loans handled by the Bank have varied between \$1.4 and \$1.7 million in recent years, and this figure is likely to decline. These small amounts will not seriously

affect the Bank's efforts to stabilize money markets and interest rates.

Mr. President, there are many views about the desirability of arms sales, particularly to the developing countries, who receive most of these Federal Financing Bank loans. We all expect that during this session of Congress there will be an extensive congressional debate on this controversial issue. My bill will not, by itself, resolve this controversy. It will, however, take the Federal Financing Bank out of a loan program for which it was not primarily intended and return its full attention and resources to its important central purposes.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285) is amended by adding at the end thereof the following new subsection:*

"(d) Notwithstanding any other provision of law, the Bank may not make a commitment to purchase or sell, or purchase or sell, any obligation issued, sold, or guaranteed by any Federal agency for the purpose of financing (1) the purchase of any defense article, defense service, equipment, or construction materials or services for the use of the armed services of any foreign country, or (2) the purchase of any defense article or defense service by the government of any foreign country. As used in this subsection, the terms 'defense article' and 'defense service' have the same meanings as in section 47 of the Arms Export Control Act."

#### ADDITIONAL COSPONSORS

S. 294

At the request of Mr. MELCHER, the Senator from Arkansas (Mr. HODGES) was added as a cosponsor of S. 294, a bill to amend the Meat Import Quota Act of 1964 to define fresh, chilled and frozen meat, and for other purposes.

S. 2391

At the request of Mr. HUDDLESTON, the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. McGOVERN), the Senator from Michigan (Mr. RIEGLE), the Senator from North Dakota (Mr. YOUNG), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 2391, a bill to extend the Commodity Exchange Act.

SENATE CONGRESSIONAL RESOLUTION 62

At the request of Mr. McGOVERN, the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. CASE), the Senator from Michigan (Mr. RIEGLE), and the Senator from New York (Mr. JAVITS) were added as cosponsors of Senate Congressional Resolution 62, requesting the United Nations to convene a World Alternate Energy Conference and establish an International Alternate Energy Commission.

SENATE CONGRESSIONAL RESOLUTION 65

At the request of Mr. CHURCH, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 65, relating to the present reviews of federally owned roadless areas.

#### AMENDMENTS SUBMITTED FOR PRINTING

##### PANAMA CANAL TREATIES—EX. N, 95-1

AMENDMENT NO. 33

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to Executive N, 95-1, the treaty concerning the permanent neutrality and operation of the Panama Canal.

(The remarks of Mr. ALLEN when he submitted the amendment appear earlier in today's proceedings.)

AMENDMENTS NOS. 34 THROUGH 39

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted six amendments intended to be proposed by him to Executive N. 95-1, the Panama Canal Treaty.

Mr. HATCH. Mr. President, as in executive session, I submit and send to the desk six amendments to the Panama Canal Treaty. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 34

In paragraph 1 of article I, after "Upon its entry into force," insert "subject to the enactment of the implementing legislation referred to in paragraph 5."

In the first sentence of paragraph 2 of article I, after "related agreements," insert "and subject to the enactment of the implementing legislation referred to in paragraph 5."

At the end of article I, add the following: "5. For all purposes of this Treaty, the two Parties undertake to enact, in accordance with their respective constitutional processes, the legislation necessary to implement the provisions of this treaty, including the legislation necessary to exercise the power of the Congress of the United States of America under article IV, section 3, clause 2 of the Constitution of the United States of America, relating to the disposal of territory or other property belonging to the United States of America."

AMENDMENT No. 35

In the first sentence of paragraph 1 of article III, after "as territorial sovereign," insert "but subject to the enactment of the implementing legislation referred to in Article I."

In paragraph 10 of article III, after "Upon entry into force of this Treaty," insert "subject to the enactment of the implementing legislation referred to in Article I."

AMENDMENT No. 36

In the first sentence of paragraph 1 of article XI, after "The Republic of Panama shall" insert a comma and the following: "subject to the enactment of the implementing legislation referred to in Article I."

In the second sentence of paragraph 1 of article XI, after "upon the date this Treaty enters into force," insert "subject to the enactment of the implementing legislation referred to in Article I."

AMENDMENT No. 37

In paragraph 1 of article XIII, after "Upon termination of this Treaty," insert "and subject to the enactment of the implementing legislation referred to in Article I."



## AMENDMENT No. 38

In paragraph 3 of article III, at the end of the text immediately above subparagraph (a), add the following: "The operating revenues of the Panama Canal Commission shall be deposited in the Treasury of the United States of America."

In the first sentence of paragraph 5 of article III, strike out "Panama Canal Commission shall reimburse" and insert in lieu thereof "United States of America shall reimburse, only after the amount of such reimbursement has been appropriated,".

## AMENDMENT No. 39

In the text of paragraph 4 of article XIII immediately above subparagraph (a), strike out "Panama Canal Commission" and insert in lieu thereof "United States of America, only after such amount has been appropriated,".

In paragraph 4(a) of article XIII, strike out "Canal operating revenues" and insert in lieu thereof "the Treasury of the United States of America".

In paragraph 4(b) of article XIII, strike out "Canal operating revenues" and insert in lieu thereof "the Treasury of the United States of America".

In paragraph 4(b) of article XIII, strike out the last sentence.

In paragraph 4(c) of article XIII, strike out "Canal operating revenues to the extent that such revenues" and insert in lieu thereof "the Treasury of the United States of America, if its receipts from the Panama Canal Commission".

In the last sentence of paragraph 4(c) of article XIII, strike out "Canal operating revenues" and insert in lieu thereof "such receipts."

## ORDER FOR STAR PRINT

Mr. HATCH. Mr. President, as in executive session, I ask unanimous consent that my amendment No. 19 be reprinted as a star print because of several typographical errors.

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

## NOTICES OF HEARINGS

## ANTITERRORISM HEARINGS

Mr. RIBICOFF. Mr. President, the Committee on Governmental Affairs will continue hearings on S. 2236, the Omnibus Antiterrorism Act, on Wednesday, February 22, 1978, at 9:30 a.m. in room 3302 of the Dirksen Building.

The following witnesses will appear before the committee:

The Honorable David E. McGiffert, Assistant Secretary of Defense for International Security Affairs;

The Honorable JAMES H. SCHEUER, U.S. Representative from New York; and

The Honorable Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice.

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Vermont (Mr. LEAHY), I wish to announce that the Comptroller General of the United States will testify before the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry on February 22 at 9 a.m. in room 322,

Russell Senate Office Building, on the General Accounting Office's investigation of the Commodity Futures Trading Commission.

The CFTC's authorization expires at the end of this fiscal year. The Committee on Agriculture, Nutrition, and Forestry is striving to make its reauthorization deliberations on the CFTC a model "sunset" review. An advisable first step in a comprehensive review of any agency's or program's operations is receipt of a GAO report evaluating that performance and making appropriate recommendations.

This presentation by the Comptroller General will be the starting point for the committee's consideration of the various aspects of the Commission's responsibilities.

I know that Mr. HUDDLESTON, the chairman of the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, has a deep interest in this area, as do other members of that subcommittee. I urge and invite their attendance and participation at the February 22 hearing and the other CFTC reauthorization hearings to follow.

Following the Comptroller General's testimony further reauthorization hearings will be scheduled. It is my current intent, in the interest of full and informed discussion, to publish in the notice of these future hearings questions that Chairman TALMADGE and I have sent to the Commissioners of the CFTC dealing with some of the major areas in the field of futures regulation, so that the industry and the public may have an opportunity to address these same questions.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHURCH. Mr. President, for the information of the Senate and the general public, the Energy and Natural Resources Committee's Subcommittee on Energy Research and Development has scheduled a set of hearings to examine the fiscal year 1979 Department of Energy authorization request for energy research, development, and demonstration, and related projects. The first two hearings have been scheduled for February 21 and February 28, 1978, to be held in room 3110 of the Dirksen Senate Office Building beginning at 8 a.m.

Dr. Eric H. Willis, Acting Deputy Assistant for Energy Technology and Mr. George Fumich, Acting Director for the Fossil Energy Research program will present testimony on the fossil energy programs on both days of the hearing.

Anyone wishing additional information with regard to the hearings should contact the subcommittee staff director, Willis Smith, at (202) 224-4431.

## SUBCOMMITTEE ON NUTRITION

Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will meet Wednesday, February 22, to discuss the recent efforts of the U.S. Department of Agriculture in human nutrition research.

Specifically, the subcommittee plans to discuss with department officials how USDA is implementing the human nutri-

tion policy language in the Food and Agriculture Act of 1977. Other invited witnesses will also testify.

The hearing will begin at 8:30 a.m. in room S206 in the Capitol. Anyone wishing further information should contact the committee staff at 224-2035.

## ADDITIONAL STATEMENTS

## NATIONAL HEALTH INSURANCE: AN IDEA OVER THE HILL

Mr. CURTIS. Mr. President, a recent column by James Kilpatrick succinctly summarizes why national health insurance is an idea whose time has passed. It deserves the attention of all of the Members of the Senate, for he points out the lack of popular support for this expensive program; the growing disillusionment with Federal programs generally; the awareness of the very dramatic cost escalations that accompany any one of the programs advanced; and the distrust of either the efficiency or the equity of a new massive bureaucratic structure. He also points out, as I have for many years, that the need for national health insurance has never been demonstrated: that our current system of targeting aid to various sectors in the medical care arena results in a system of health care coverage which meets demonstrated need.

I ask unanimous consent that the Kilpatrick column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## NATIONAL HEALTH INSURANCE: AN IDEA OVER THE HILL

(By James J. Kilpatrick)

WASHINGTON.—In his press conference of Oct. 27, President Carter said he couldn't think of any major innovative proposals he would offer in 1978 or 1979. Shortly thereafter, responding to some raised eyebrows, the press office said that wasn't exactly so. Carter had not abandoned his promise of national health insurance. Such a program would yet be presented.

Maybe so. Carter's commitment was absolute. Time after time on the campaign trail, he pledged his efforts to enact a "comprehensive, mandatory program of national health insurance." This is the kind of sweeping, first-dollar, all-embracing program that Sen. Edward Kennedy, D-Mass., continues to push. The 100-member Committee for National Health Insurance still is beating the drums for this scheme. The American Public Health Association, which met in Washington last week, raised whoops and hollers for "socialized medicine" as such.

But unless I am wholly mistaken, most of the steam has leaked out of the movement toward national health insurance. Victor Hugo once said that no army can resist the strength of an idea whose time has come. By the same token, no army can impose an idea whose hour has passed. The idea is over the hill.

Several reasons support that cheerful prediction.

So radical a departure from existing patterns of medical care would have to command overwhelming popular support. Are the people clamoring for national health insurance? Unless my ears deceive me, the people are as quiet as so many clams. Last year, NBC took a poll: "Do you favor or oppose a program of health insurance paid by the government through increased taxation?" Only 36 percent of the respondents said yes. Almost half

opposed; 16 percent were not sure. It is not what you would call a ground swell.

The NBC figures reflect the growing disillusionment with federal programs generally. What is proposed, under Kennedy's grandiose plan, is to turn medical care over to the same wonderful folks who have given us Amtrak and the Postal Service. If ever a majority of the people believed government could perform a function better than the private sector, that belief no longer commands much support. A people disenchanted with public education have no perceptible enthusiasm for comprehensive public health.

The opposition to the Carter-Kennedy program rests on more than intuitive antipathy. The people are perfectly capable of foreseeing fantastic costs, and they don't like what they see. The senator's idea is to scrap all existing programs of private insurance; he would also abandon Medicare, and he would retain only parts of the health care now provided under Medicaid, the Veterans Administration, and other agencies.

In their place he would erect an enormous new bureaucratic structure headed by a Health Security Board. This board would effectively fix hospital budgets, fix doctors' fees, fix prescription prices, collect billions of dollars in new taxes, and disburse millions of checks annually to providers of health services. The total cost? No one has even a foggy notion of the cost. Two hundred billion, three hundred billion? It is all the same to Messrs. Kennedy and Carter. Present costs are vaguely estimated at \$145 billion. Once all restraints were abandoned, the figure easily could double or treble.

Who would pay for all this? Who do you think would pay for all this? The Kennedy-Carter plan envisions new taxes on employer and employee (on top of the stunning Social Security increases now in prospect), plus matching billions from the general fund. There is no way under moon or sun that Carter could fold any such program into his budget for 1979 or 1980, and still hope to see the budget balanced.

An estimated 92 percent of our people now are covered by some sort of health or hospital insurance. Relatively speaking, only a small minority of families have no coverage of any sort. The poor are fully covered by Medicaid, the aged by Medicare, the veterans and their families by military benefits. In our largest industries, such as automobile manufacturing, collective bargaining has resulted in health benefits equaling what Kennedy proposes.

If any federal program at all can be justified—and can be afforded—it is a program to insure the risk of catastrophic illness. If Carter will settle for that, few persons will belabor him for breaking a promise. And you can depend on that.

#### FARM PARITY

Mr. TALMADGE. Mr. President, the Georgia State Senate, now in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

#### RESOLUTION

Relative to granting farmers 100 percent parity on their products; and for other purposes.

Whereas, the farmer has always been among the first to support this nation, its needs and principles; yet that principle held most dear to all Americans—a dollar for a dollar's worth—has been denied the farmer; and

Whereas, farmers have given the citizens of this country security from hunger at minimal cost—about 19 percent of household income, compared to 30 percent and up in most of the other countries; and

Whereas, the price of equipment, fertilizer and energy has been doubling or tripling, but net farm income is down approximately \$10 billion from four years ago; and

Whereas, farmers are put in the intolerable position of having to sell their commodities for less than what they cost to produce; and

Whereas, this is more than just a farm issue because economic upheaval on the farm could very well lead to a general depression which would bankrupt the nation; and

Whereas, many great industries and thousands of workers are directly or indirectly dependent upon farming and farm products.

Now, Therefore, be it resolved by the Senate that the members of this Body do hereby urge and request that President Carter's administration and Congress take the necessary action to assure farmers 100 percent parity on their products.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States, to the United States Secretary of Agriculture and to each member of the Georgia Congressional Delegation.

#### UNION MEMBERS DO NOT FAVOR SO-CALLED LABOR REFORM BILL

Mr. HELMS. Mr. President, it is becoming increasingly clear that the only people who seem to favor the so-called labor reform bill (S. 2467) are the big union bosses. It is not just management who oppose this one-sided legislation. It is opposed by even the majority of the rank and file.

In a recent poll conducted by the Opinion Research Corp., only one-third of current union members support this legislation, while almost half of all members (48 percent) think that the present laws should not be changed. This reflects the union members' attitudes toward their union leaders. Fifty-one percent believe that the union bosses have too much power and only 11 percent think they have too little.

What the statistics show was graphically illustrated by a piece of mail I received the other day. The correspondence consisted of a printed form cut out of a union publication. On the form the following was printed in bold type:

Dear Senator: The Labor Reform Bill (S. 1883) has my strong support. It's needed. It should be passed. Please vote for it.

There was a place at the bottom for the sender's name and address. However, the person who mailed it to me crossed out the message, and instead inserted the following in his own handwriting:

I am a union man paying dues. But we don't need bill S. 1883. Please vote against it. This clipping came out of my union paper.

I would reveal the identity of this union member except that I fear he might suffer reprisals. Of course union reprisals against the right of a member to support or not to support union activity are prohibited by section 8(b)(1) of the National Labor Relations Act, but the enforcement of prohibitions against union unfair labor practices leaves

something to be desired. Unfortunately, however, the so-called Labor Reform bill remains silent on that subject; as one would expect, in a bill largely drafted under the guidance of union bosses, its proponents are, shall we say, very selective in their indignation.

It is a strange reform bill and a very selective indignation that does not address itself to the type of union violence that we are seeing in the current coal strikes. Many newspapers have published photographs of State police and National Guardsmen escorting convoys of coal trucks to the beleaguered people of Ohio and Indiana. Why? Because the already too-powerful union radicals and union bosses have threatened the very safety of those who would deliver coal during the strike.

Mr. President, that situation is a portent for the future that should alert all of us to the dangers of a nation held in the grips of increased union power—and the tragedy of union violence—if this bill should pass in any form.

#### NEEDLESS CONCENTRATION OF FEDERAL SERVICES

Mr. MCGOVERN. Mr. President, the Sioux Falls Angus-Leader of February 13, 1978, carries a thoughtful editorial relative to the needless and costly transfer of certain Government functions. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### LOADING CITIES

The latest streamlining proposal of President Jimmy Carter's administration illustrates anew that when federal administrators transfer functions, bigger is better.

The Internal Revenue Service (IRS) has announced that it will transfer some of its services and employees from Aberdeen to St. Paul. As many as 48 employees and some services performed for South Dakota taxpayers are heading for Minnesota's capital city.

John B. Langer, Aberdeen, district director of the IRS, said that all the services that will be moved are "support functions" like processing of audit reports and other basic functions. "They will be transferred to the St. Paul office so we can take advantage of the economies of scale," Langer said similar moves are planned in 12 other states.

Dean Gerry, a spokesman for IRS employees in Aberdeen, said the agency's contention that the move will streamline services and save money may not be true. He said that if the moves are made, some information will be stored in St. Paul and employees will have to consult that office before they are able to deal with certain situations.

U.S. Sen. George McGovern, who is fighting the transfer, said that as much as \$500,000 in salaries will be lost to the Aberdeen business economy because of the move. Langer contends that the IRS will save \$5 million nationally each year with the changes in 12 district offices.

The Aberdeen office has served this state well despite some previous trimming of its functions. The ultimate step may be to concentrate every federal staff in large metropolitan centers. Other government programs, of course, seek to solve congestion and other problems in populous areas.

The population of St. Paul was 309,714 in



1970. As part of the Minneapolis-St. Paul metropolitan area (2 million) and the Minnesota capital, it does not need a new influx of government personnel. Aberdeen, with 26,476 residents, is a better choice for the agency, employees and South Dakota taxpayers.

The shift from Aberdeen to St. Paul is like Housing and Urban Development's plan to transfer more of the work in its Federal Housing Administration to Denver. This is a bureaucratic effort to eliminate 37 jobs out of a total of 501 in the region. The Sioux Falls office would be cut from 26 fulltime persons to eight. Fargo, Casper and Helena offices would lose people to Denver, a metropolitan area of 1.4 million.

Carter's carte blanche to top administrators to shuffle people around the nation and into congested metropolitan areas in the name of efficiency is a backward step. A Georgia country should know better.

#### LITHUANIAN INDEPENDENCE DAY

Mr. CURTIS. Mr. President, on February 16, 1978, Lithuanians throughout the world observe the Declaration of Independence of Lithuania.

Lithuanians still remember that brief 2 years, now 60 years in the past, when their's was a free nation with an elected President and Parliament.

To Lithuanians, these years of freedom are well worth remembering. While she was once a proud nation, respected by her neighbors and able to fight for that respect, Lithuania is now sternly in the power of the Soviet Union.

This is why the people of this proud nation celebrate their independence with a pang of regret. Their once proud nation is now undergoing the humiliating process of russification.

By russification we mean the total subjugation of most human rights. The Soviets have done their best to stifle the religion, language, and culture of the Lithuanians. Hundreds of thousands of these brave people have been banished to Siberia. The young people of Lithuania are being indoctrinated into the Soviet culture and made to forget their own rich heritage.

Yet, these years of oppression have only served to stimulate, in the Lithuanians, a growing desire for freedom and a tenacious sense of national identity.

So, on this, the 60th anniversary of Lithuanian independence, Lithuanians everywhere remember their past freedom, not only with regret, but with a sense of pride and renewed hope.

As the elected representatives of the greatest democracy on Earth we must not turn our backs on these people.

The United States will continue to deny recognition of the Soviet Union's illegal seizure and occupation of the Baltic nations: Estonia, Latvia, and Lithuania.

As Americans, we cannot afford to turn our backs on these valiant people, who cling to the dogged hope that, one day, they will once again be a free nation.

#### GENOCIDE—A MATTER OF CONCERN FOR EVERYONE

Mr. PROXMIRE. Mr. President, I feel compelled to take this time to discuss

some faulty legal advice that has been given by opponents of the Genocide Convention, a treaty which I have been deeply committed to for some time.

Opponents of the treaty have argued that it is not a proper vehicle for the prevention of genocide, on the grounds that it deals with "domestic matters." This is neither true in principle nor in constitutional judgment.

Significantly, there are strong grounds for the constitutional validity of this treaty. Tom Clark, a retired Supreme Court Justice has remarked:

Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States.

The American Bar Association concurs with this interpretation. We have ratified treaties governing hunting of seals and narcotics trafficking. These are no less domestic than genocidal acts, yet no complaints were raised in deliberation of these treaties.

The facts are clear: The agreement is constitutional and indeed essential to meet the international threat of genocide. I ask for immediate compliance in making the United States a partner in this enterprise.

#### COMMUNIST CUBA TO BACK PANAMA

Mr. GOLDWATER. Mr. President, appearing in the Miami Florida paper, the *Diario Las Americas*, was an article written in Spanish that has been of great concern to people who oppose the canal treaty. I have translated this and ask unanimous consent that it be printed in the RECORD. I hope that my colleagues in the Senate will read it and I hope they will pay a little more attention to the proximity of Cuba to the Panama Canal and the proximity of other countries not exactly friendly to the United States who while they want the canal to continue to operate, would probably take up the defense of what the Panamanians would call an intervention by the United States if and when it becomes necessary for us to defend the canal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

##### COMMUNIST CUBA TO BACK PANAMA

MEXICO CITY, D. F., January 28.—Cuban Foreign Minister Isidoro Malmierca stated that Cuba would back Panama militarily if the people of that country were to request assistance to defend themselves against a U.S. aggression.

"We will aid any government that requests it in order to fight for its independence and social justice," added Malmierca who is here to share in the work of a Cuba-Mexico Joint Commission.

Within this ideological framework, the Cuban Foreign Minister stated that his country's troops would remain in Angola until that country's security had been assured "against the racist armies of South Africa and Zaire."

Malmierca also stated that Latin American integration "is a permanent aspiration of the Cuban revolution" but much progress yet remains to be made.

Finally, Malmierca stated his "dismay" at the presence of U.S. troops in Guantanamo and the possible intervention of the U.S. Navy in the Panama Canal.

#### THE AMERICAN PEOPLE SUPPORT HIGHER FARM INCOME

Mr. McGOVERN. Mr. President, a recent poll by Louis Harris indicates that the American people by an overwhelming percentage, 80 to 13, are sympathetic with the current farm strike. The survey indicates that most Americans favor action to assure farmers of a just return on their products. I ask unanimous consent that the report of this poll appearing on the front page of the January 30, 1978, *Sioux Falls Argus-Leader*, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

##### MAJORITY SUPPORTING FARMERS

(By Louis Harris)

By 80-13 percent, an overwhelming majority of Americans is in sympathy with the farmers who have taken to their tractors to protest falling farm incomes, according to a recent nationwide Harris Survey of 1,259 adults.

Moreover, by 5 to 1 the public supports the basic demand of the farmers, which is to raise the prices of the crops they sell so that they would be based on 100 percent of parity.

Of course, the acid test of such public backing is whether consumers would be willing to pay higher food prices to relieve the plight of the farmer.

During the past few years, Harris Surveys have consistently shown that, along with energy and health, more than 8 of every 10 Americans attribute their rising cost of living to the cost of food. In this latest poll, when asked how worried they would be about their own food costs rising rapidly if farm prices were allowed to go up sharply, 35 percent said they were "greatly worried" and another 47 percent were "moderately worried."

Despite this, the public by a 54-36 percent majority would be willing to have food prices rise by 5 percent in order to give farmers their parity goals, according to the survey. When people were asked if they would be willing to see their food costs go up 10 percent, a 68-19 percent majority then said they would oppose the farmers' position.

But accepting a 5 percent rise in food costs is not insignificant. There are very few occasions these days when Americans express a willingness to pay more for any product or service.

Part of the reason for this deeply felt sympathy for the farmers can be traced to the fact that most people do not blame farmers for high food prices. By a lopsided 87-4 percent, a majority continues to agree with the charges of farm protest leaders that "food middlemen rather than the farmers are the ones who make most of the profits in food."

Farmers are less than 4 percent of the population.

Among people who live in big cities, a 48-37 percent majority favors parity, even if it means a 5 percent rise in their own food costs. To be sure, rural residents support the move by a higher 60-33 percent. But the key fact is that in the big cities, the issue has not been cast as consumers against farm producers.

Among union members, a high 59-32 percent majority would be willing to pay 5 percent more in food costs to give farmers their price goals. It is evident that union labor is capable of identifying with the plight of

farmers, despite the long history of farm and labor union organizations being at log-heads on most issues in Congress.

The most affluent and educated groups also are most supportive of the protesting farmers' movement. Among the college educated, a 57-34 percent majority is willing to pay 5 percent more for food costs, as is an even higher 62-29 percent majority of professionals. Among those with incomes of \$25,000 and over, willingness to pay more to see parity given to the farmers reaches a high-water mark of 63-33 percent.

#### THE ROOTS OF THE ENERGY PROBLEM

Mr. HANSEN. Mr. President, in the continuing debate and present stalemate over a national energy policy, one thing is clearly perceptible. Regardless of whether or how the issues of natural gas and oil pricing are resolved, the United States will continue its massive dependency on imported oil and to a lesser degree natural gas.

Eleven years ago in my first speech on the Senate floor, I attempted to point out the hazards of the energy nonpolicy we were pursuing. At that time—1967—we were still self-sufficient in both oil and gas production but were beginning to use up our reserve base at a greater rate than new additions were being added.

Without burdening my colleagues with all the details of the remarks I made that day, I will quote only a few to emphasize what some of us have been saying about the need for an energy policy for a good many years:

Mr. President, turning from the question of imports for a moment, we are confronted with a serious decline in our own domestic energy producing capabilities. In contrast to the phenomenal growth of the oil industry in foreign countries, our domestic drilling for oil has fallen off by 41 percent in the past decade and our oil finding success ratio is the lowest it has been in 30 years. Our ratio of domestic reserves has declined accordingly. In 1950, the ratio of reserves to production in the United States was 13.6 to 1. Last year, it was only slightly more than 12 to 1. This steady decline of exploration in this country has reached a point where annual consumption of petroleum products exceeds new reserves found.

In pursuing this course we have enabled many foreign countries to operate without any national debts and we have greatly increased our own balance-of-payments and deficit problems.

The net effect of this combination of circumstances is that our Government has exposed our Nation to the whims and demands of foreign oil producing countries. This exposure is doubly serious in light of the fact that energy is, of course, the key to our complex industrial economy.

We have, by our own practices, and by the lack of any comprehensive policy, placed a club in the hands of foreign countries and this club is being used more and more effectively on a daily basis.

During the intervening 11 years, we have suffered humiliation and a resulting recession from the 1973-74 oil embargo and a quadrupling of oil prices.

We now import almost half of the oil we use and have just brought on Alaskan oil 10 years after it was discovered to halt the decline of domestic production.

The U.S. dollar continues its decline against other currencies principally be-

cause of our massive purchases of foreign oil. Some \$47 billion in 1977 resulting in the largest U.S. trade deficit on record. And, there is no end in sight.

In May 1971, the U.S. Senate passed Senate Resolution 45, a national fuels and energy policy study.

That study is still continuing but the only national energy policy resulting from that study and hundreds of days of hearings has been legislation that has hindered rather than helped the United States regain some semblance of energy self-sufficiency.

The President's energy plan, now stalemated in controversy over natural gas and oil pricing policy, would even further discourage development of domestic energy supplies if adopted as it was passed by the House.

Last week while Congress was recessed, George Melloan of the Wall Street Journal wrote:

Whatever form United States energy policy takes when the President and Congress finally agree, the terms of the debate make one thing clear: It will not "solve" the nation's energy problems.

Oil imports will continue to rise. The \$10 billion, 19,000-employee Department of Energy will continue to grow. Price and supply adjustments, once made with some efficiency in a relatively unfettered market, will continue to be bargained in a framework of law and regulation.

In short, energy has become hopelessly entangled in politics. In this week of pause in congressional deliberations on the energy program, it is instructive to review how it all came about.

Mr. Melloan then reviewed the events leading to our present energy dilemma.

I would hope that all Senators and especially those of us serving on the energy conference committees would take a few minutes to read and heed what Mr. Melloan has so carefully done in putting the U.S. energy problem in perspective.

Perhaps there is yet hope that we might possibly face up to the real reasons why we have a problem.

Mr. President, I ask unanimous consent that the Wall Street Journal article, "The Roots of the Energy Problem," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE ROOTS OF THE ENERGY PROBLEM (By George Melloan)

Whatever form United States energy policy takes when the President and Congress finally agree, the terms of the debate make one thing clear: It will not "solve" the nation's energy problem.

Oil imports will continue to rise. The \$10 billion, 19,000-employee Department of Energy will continue to grow. Price and supply adjustments, once made with some efficiency in a relatively unfettered market, will continue to be bargained in a framework of law and regulation.

In short, energy has become hopelessly entangled in politics. In this week of pause in congressional deliberations on the energy program, it is instructive to review how it all came about.

The logical starting point is the Supreme Court's 1954 Phillips decision, which gave the Federal Power Commission control over natural gas prices at the wellhead. For some years, this presented no problem. Crude oil demand was rising rapidly, both oil and gas

where being discovered at relatively low costs, and a vast pipeline network was being built to distribute them. There was a relatively low rate of inflation in the 1950s and early 1960s, which meant that gas producers usually had remunerative prices even if the FPC did not make frequent changes in the wellhead price ceilings.

#### AN ABUNDANT SUPPLY

There was, in fact, so much fuel being found and produced in the United States that the government applied import quotas to protect domestic producers from oil brought in from abroad by the big international oil companies. The Texas Railroad Commission used another lever against competition by controlling the "allowable" rate at which oil could be pumped in that big producing state.

This was hardly a "free" market, but certainly far freer than the energy market today. Oil products might have been even cheaper and gas more expensive had the controls of that time not existed, and the United States might have conserved both resources by importing more oil from abroad. But in a non-inflationary era, the problem was of more interest to market economists than the general public.

In the 1960s, however, oil companies found it increasingly attractive to seek crude oil abroad. Production costs in places like Saudi Arabia, Kuwait and Libya were only pennies a barrel. The international oil companies soon were awash in cheap crude and rapidly expanded refining and marketing operations abroad to make use of it. They also managed to get U.S. import quotas raised (they were finally removed altogether in the early 1970s). Exploratory drilling in the U.S. in the 1960s declined sharply.

By the end of that decade, U.S. surplus productive capacity had dropped to the point where the Texas Railroad Commission could no longer manipulate supplies and, thus the world price. Control over the marginal supply of crude oil had moved abroad, to the members of the Organization of Petroleum Exporting Countries (OPEC).

Since most OPEC nations, unlike the United States, produced far more oil than they consumed, they wanted oil to be expensive, not cheap. And one OPEC member, Saudi Arabia, was willing to restrict production to manipulate the world price upward.

The United States unintentionally helped OPEC pull its cartel together. From 1967 through 1971, the U.S. dollar lost 12 percent of its purchasing power as a result of loose U.S. fiscal and monetary policies. Since the OPEC nations were paid mostly in dollars, they had a strong incentive to band together to try to get higher prices.

They demanded, and got, joint negotiations with the major oil companies in Tehran in early 1971 and won what at the time looked like substantial price concessions. The United States unaccountably let the oil companies engage in this exercise even though it was seemingly a contravention of antitrust laws.

A few months later, in August 1971, President Nixon, with the urging of Congress, responded to the dollar deterioration by putting the United States economy under wage and price controls. With prices controlled and the U.S. money supply rising, the U.S. economy had a false boom in 1972. The low rate of oil drilling in the 1960s had by then taken its toll. U.S. oil imports soared 145% between 1970 and 1973.

Oil and gas demand was being fed in another way. The Clean Air Act of 1970 had forced electric utilities to convert to cleaner fuels from coal. The environmental lobbies were stalling nuclear power development.

And, of course, with domestic prices controlled and inflation raging, there was even less incentive to drill for oil and gas



in the U.S. than there had been in the 1960s.

In October 1973, during the Yom Kippur war, the Arab nations slapped an embargo on crude oil shipments to the U.S. and learned how much price pressure they could apply to the world market by restricting supply. The average price of crude oil imported into the U.S. leaped to \$11.11 a barrel in 1974 from \$3.41 in 1973.

By 1974, generalized price controls had largely collapsed though the combination of a weak dollar and the inability of a single nation, even one as powerful as the U.S. to control world prices. The correct policy for the U.S. would have been to free energy of controls to encourage a resumption of U.S. exploration and development under the high OPEC price umbrella. There would never be \$3 oil again but oil would come back to somewhere close to its natural price considering the fact that the 1974 dollar was worth only 62.5% of its 1967 value.

The U.S. did the opposite. The Emergency Petroleum Allocation Act of 1973 was hatched, putting oil under control of a new Federal Energy Office, later to become the Federal Energy Administration, which last year became the core of a new Department of Energy. The FEO set out to "allocate" supplies made scarce by price controls, tangling the oil industry in massive bureaucratic red tape.

With domestic crude oil under price controls and foreign oil flooding in at uncontrolled prices, the next regulatory step was "entitlements." Refiners depending heavily on expensive imported crude were "entitled" to payments from those who used a greater than average amount of cheap domestic crudes. Congress, incidentally, managed to make small refiners a little more equal than large ones in this "equalization" process. But the net effect was to subsidize exports, which kept right on rising.

#### TWO LOST CHANCES

In late 1975, President Ford had a chance to bring all this nonsense to an end. Congress had passed a 40-month extension of the 1973 act. If President Ford had vetoed the extension, it is safe to say that the energy "crisis" would have been solved. The FEA would have disappeared and the energy industry would have become, once again, just another U.S. industry, competing in world markets and developing resources wherever costs, transportation efficiencies, taxes, availability of capital and political risks justified. Given the unpleasantness with OPEC, a resumption of extensive development in the U.S. would have been the logical result. Mr. Ford, however, did not veto. A few months later he also muffed a chance to decontrol natural gas when some 18 Republican decontrol supporters were absent from a crucial vote in the House.

With this record to look back on, the Carter administration in April of last year revealed the most sweeping and interventionist program yet, basing it on the assumption, soon to be discredited, that the U.S. had nearly exhausted its supplies of fossil fuels. The new "National Energy Plan" featured some \$70 billion to \$80 billion in taxes designed to discourage energy consumption (and just maybe discourage economic activity altogether). It sought a federal takeover of electricity rate setting from the states. It sought to expand natural gas price controls to the intrastate market, where they had not existed before, as a quid pro quo for raising the natural gas ceiling price. It sought a massive conversion of industry to coal without much evident thought about how environmental restrictions on coal use and the capital cost problems were to be handled. And, of course, it sought massive dis-

couragement of automobile use on the apparent theory that the automobile is the useless luxury of an indolent race.

No wonder Congress has had so much trouble. And no wonder it is no nearer a solution to the energy problem than it was in 1973. It has not yet faced up to the real reasons why we have a problem.

#### FIVE-POINT SUPPLEMENTAL AGRICULTURAL PROGRAM

Mr. TALMADGE. Mr. President, the Georgia House of Representatives, now in session in Atlanta has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

##### RESOLUTION

Whereas, the problems besetting Georgia farmers are already at a crisis level; and low marketing prices, rising production costs, the winter freeze and the summer drought, the alfatoxin mold, and the army worm have combined to place Georgia agriculture in a perilous position which affects all Georgia citizens; and

Whereas, while federal assistance is necessary to save agriculture, the Food and Agriculture Act of 1977 as presently implemented is not adequate; and

Whereas, the five-point supplemental agricultural program proposed in January by Senator Herman E. Talmadge is the best solution currently available; and

Whereas, the members of the Agriculture and Consumer Affairs Committee of the Georgia House of Representatives and the members of the Agriculture Committee of the Georgia Senate met in a joint session on January 26, 1978, together with farmers, agricultural leaders, and other concerned citizens, to discuss the plight of Georgia agriculture; and

Whereas, that group sent a letter to President Carter requesting implementation of the Talmadge plan.

Now, therefore, be it resolved by the House of Representatives that President Carter and Secretary Bergland are urged to immediately approve the Talmadge plan and implement its provisions in the 1978 crop year.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this resolution to President Jimmy Carter, Secretary of Agriculture Bob Bergland, Senator Herman E. Talmadge, Senator Thomas S. Foley, Honorable James T. McIntyre, Jr., and the members of the Georgia Congressional Delegation.

#### PRETTY NAILS COSTLY

Mr. GOLDWATER. Mr. President, all of us know about the many abuses which exist in awarding of unemployment compensation. But I wonder if it is generally realized how ridiculous some of these incidents actually are. I learned recently of a case in my home State where a woman who was fired, because she refused to type for fear this would damage her nails was awarded unemployment compensation by the Department of Economic Security.

Mr. President, because this case is becoming more and more typical of the Government's attitude toward employ-

ment, I ask that a letter describing the so-called "Case of the Pretty Nails," which appeared in the Phoenix Gazette be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

##### PRETTY NAILS COSTLY

I have been tempted for some time to express my feelings, particularly as they relate to unemployment compensation and the way that companies are given little, if any, chance to protect themselves through a hearing. I feel sure that our company is no different from a number of other companies, in that we are charged for the abusive use of unemployment insurance.

It seems that companies in general are "wrong" when they discharge an employee. To give the specifics on this case, we hired a person to do a job which required a considerable amount of typing. She worked for us for approximately six months and her work was, in general, satisfactory. About August 10 she told us that she had been giving quite a bit of grooming to her nails, and her nails were now so beautiful that she would no longer be able to do the amount of typing required on the job.

We explained to her that this was unsatisfactory, that the job required a certain amount of typing, and that if she could not do it, we would have to replace her. Her reply was that she could not damage her nails now that she had gotten them in such beautiful condition. We had no choice but to let her go.

She immediately filed for unemployment compensation, and was awarded the coverage. The Department of Economic Security stated that the discharge did not warrant disqualification. Their note said, "You were discharged for not meeting the employer's expectations. You stated you performed your duties to the best of your ability. No evidence of a disregard of the employer's interests has been shown." To me, this is high-handed. DES never checked with us other than to ask us why we let her go, and we expressed to them, just as I have expressed in this letter, that because of her nails she was no longer able to do the work required of the job.

I feel that this is a complete disregard of the employer's interest, but it seems that this type of ruling just fits in with the general attitude that prevails today—that the individual is always right and the company is always wrong.

I don't know what, if anything, can be done about this, but it is a terrible situation when this condition exists. If it continues, it could be that because of similar situations, companies could be forced out of business. I believe it is ridiculous, and if there is any way that the public and their tax money can be protected, we must do it.

FRANK M. FEEFER, JR.,  
President, Chemonics Industries, Phoenix.

#### TET: HISTORICAL TURNING POINT IN THE VIETNAM WAR

Mr. MCGOVERN. Mr. President, Mr. Don Oberdorfer has written a perceptive account of the 1968 Tet offensive which changed the course of the Vietnam war. I ask unanimous consent that this valuable article appearing in the January 29, 1978, issue of the Washington Post magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## TET: THE TURNING POINT

HOW A "BIG EVENT" ON TELEVISION CAN CHANGE OUR MINDS

(By Don Oberdorfer)

Shortly after midnight on January 31, 1968, seventeen men in black pajamas gathered at a small automobile repair shop in downtown Saigon and began unpacking weapons and munitions which had been smuggled to town as "rice" and "tomatoes." By 2:45 a.m. they were rolling through the deserted streets in a Peugeot truck and a taxicab. A few minutes later they dynamited a hole in the compound wall of the United States Embassy, killed two U.S. Military Police guards and scampered inside to lay siege to the six-story headquarters building for the U.S. government in South Vietnam.

The guerrilla attack on the embassy was among the smallest engagements to win a place in military history. That night and the night before, in a spectacular operation which was ordered to "split the sky and shake the earth," some 67,000 North Vietnamese and Viet Cong troops launched synchronized surprise attacks against nearly every city and town throughout the 800-mile length of South Vietnam. With battalions, regiments and divisions suddenly moving out of the forests and jungles and onto the attack, the battle at the embassy was in conventional terms, as a U.S. military officer said, "a piddling platoon action." This was so in the same way, it turned out, that the Watergate break-in was "a third-rate burglary." For the combat at the embassy in downtown Saigon, under the noses and cameras of the American press corps, was to dominate the attention of the outside world in the first hours of an offensive which shocked the American government and public and led to a historic turnabout on the war.

The attack on the embassy was repulsed in six and one-half hours, with all the attackers killed or captured, and nearly all the much larger attacks elsewhere in the country were repulsed within a few days. Except in the former capital of Hue, where dug-in North Vietnamese troops held out for twenty-five days, the vaunted "General Offensive and General Uprising" turned out to be a series of shortlived raids which failed. Contrary to Vietnamese Communist doctrine, little or no support for the revolutionary forces surfaced in the cities, and there was no sign of a popular uprising. Communist losses were extremely high, including the best of a generation of Southern-bred resistance fighters. After Tet, increasing numbers of North Vietnamese troops had to be sent to battle in the South; the struggle became less an insurgency and increasingly a conventional fight of main force units.

Halfway around the world in the United States, the results were completely different. On the heels of an official campaign to convince the public that the war was being won, saturation news coverage of this panoply of surprise attacks resounded like a thunder-clap. This unexpected Big Event from the war zone was suddenly projected onto the home television screens of millions of Americans. It was a powerful blow to popular confidence and government credibility on the home front. Moreover it supplied a rationale to citizens, commentators, advisers and officials for reconsidering earlier positions and changing their minds about the war. Many did just that in the weeks that followed, as American marines and South Vietnamese government troops fought block-by-block in Hue and mortar shells exploded around supply planes at the remote U.S. marine outpost of Khe Sanh.

At the White House in late March a weighty group of outside advisers—conservative men such as Dean Acheson, McGeorge Bundy and Cyrus Vance—told a crestfallen chief executive that they had changed their minds and

now concluded that no additional U.S. commitment to the war was supportable. Moves toward disengagement must be taken, they said. Less than a week later, President Lyndon Johnson halted the bombing of most of North Vietnam in a bid for peace talks and, under the threat of major defeats in Democratic primary elections, announced his retirement from politics.

As many suspected then and nearly everyone agrees in retrospect, Tet was the turning point. Presidents Nixon and Ford inherited a change in direction which had been made in the wake of Tet and confirmed in the months thereafter. They were able to maneuver only within the limited context of a steadily declining U.S. military and economic commitment. In a broad sense it was all downhill from President Johnson's decision on March 31, 1968, to the final, abject, nearly inevitable escape by the last American ambassador from the embassy rooftop on April 30, 1975.

By every standard and almost every account, the Tet Offensive was among the great events of the 1960s and possibly one of the great events of our time. It is also among the most paradoxical and seemingly inexplicable. Ten years later, it remains a puzzle to historians and the subject of debate among that portion of the public which still cares.

How to explain the connection and seeming disconnection between events in the war zone on the one hand, and the consequences of those events at home on the other? How could the same engagement have been, as Prof. Russell H. Fifield of the University of Michigan phrased the historical consensus, "a military disaster for the North Vietnamese and the Vietcong" and yet, "a political victory for Hanoi comparable to its military and political victory at Dien Bien Phu in the First Indochinese War"? How, in other words, could Tet have been both a defeat for the attacker abroad and a defeat for the government at home?

It is unsurprising that attention has focused on the transmission mechanism between events in the field and perceptions at home—the American Press. Debate about the press role was rekindled within recent weeks by the publication of Peter Braestrup's monumental two-volume work, *Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington* (Westview Press, \$50). The basic conclusion of Braestrup, a Vietnam correspondent for both *The Washington Post* and the *New York Times* and now editor of the *Wilson Quarterly*, is that Tet was misreported. Calling it "an extreme case," Braestrup wrote that "rarely has contemporary crisis journalism turned out, in retrospect, to have veered so widely from reality." Reviewers have applauded or condemned the judgment, depending largely on their previous views on the war and the press. One reviewer, Johnson era White House aide John Roche, called for a congressional investigation of the press. Some others said that if the Tet battle was misreported, thank God for errors which averted greater national folly.

The hundreds of dispatches, broadcasts and newsmagazine articles cited or printed by Braestrup in his 1446-page study portray many shortcomings of the press. In the fog of war, details were inevitably wrong. Some reports were more polemical than others in drawing the contradiction between pre-Tet official optimism and the fact of blazing battles. Some journalists, networks and journals were ahead of others in realizing, and reporting, that the initial attacks had been contained. Some sensed more quickly than others the change in Communist strategy—and in U.S. response—which Tet implied. It should be remembered, however, that thoughtful and well-informed officials as

well as journalists were unsure at the time what all had happened or what was coming next. In any case, it should have been evident to attentive readers and viewers of the press, well before the Washington decision-making of late March, that the surprise offensive launched at Tet had been repulsed.

Errors and misinterpretations by the press did not seem to me to be an adequate explanation for what happened at Tet as I pieced the story together for my 1971 book on the battle and its consequences. Nor do I think they seem to explain Tet in the light of Braestrup's book. Certainly there were mistakes in detail and interpretation, especially in the first days and weeks, for which correspondents should be held to account. But why should anyone believe that even the gloomiest press reporting in this case was taken so literally and digested so completely by a general public and elite groups which are usually so skeptical about the press?

Much of the impact, as suggested earlier, was due to the dangerously vulnerable stance of President Johnson and his administration at the beginning of a presidential election year, a time when the American political system is most susceptible to shocks. Johnson and his advisers, by preaching late in 1967 that "we are winning" and that success was in sight, climbed far out on a limb which the surprise attacks at Tet sawed off behind them.

Johnson did not climb out there without a reason. In my view August 3, 1967, not the turbulent time of six months later, was the day the Vietnam war was lost at home. On that day, for the first time Johnson asked the public at large to pay for the war, proposing a ten per cent surcharge on individual and corporate income taxes while sending more men to fight. Until that moment the great majority of Americans had not been asked to do anything or pay anything to support the war. After that moment public and political support in the broad middle ground of American opinion began almost visibly to sink. Johnson's ill-considered "Success Offensive" of late 1967 shored up this sagging support—but at the cost of a promissory note on the immediate future in the war zone.

If August 3, 1967, was the beginning of the end, the Tet Offensive was the middle of the end. Careful studies of public opinion polls suggest that Tet brought a resumption of the long-term decline in general public support for the war. The change was not precipitous but it was significant. For the first time more people said it was a mistake to have become involved than said it was not—the pollsters' key question on war support.

More dramatic was the impact of Tet on opinion leaders and the political and economic elite, many of whom had their doubts before but had not expressed them. Suddenly the doubts were reinforced by the evidence of North Vietnamese and Vietcong power and determination, and their expression became legitimate, appropriate and surprisingly widespread. "In the Pentagon the Tet Offensive performed the curious service of fully revealing the doubters and dissenters to each other, in a lightning flash," wrote Townsend Hoopes, who was Under Secretary of the Air Force at the time. President Johnson, who never could quite fathom what had happened, said after Tet that even his "stalwarts" had been depressed and that "the voices just came out of the holes in the wall and said, 'Let's get out.'"

If Tet had been reported only in newspaper stories and radio dispatches, I doubt that the offensive would have had this electric effect. My belief is that near-saturation, near-simultaneous television coverage via satellite from Asia was the "X factor" which made a historic difference.

Vietnam was America's first television war,



and the Tet Offensive America's first televised superbattle. Suddenly the fighting erupted not in remote areas as in the past but in the cities before the camera eye of network television and the human eye of legions of correspondents.

There were television news specials, well-known correspondents doing "crouch-down" summations instead of "stand-uppers" because shrapnel and bullets were flying, film that suddenly went black because the cameraman was hit, and many other cues to viewers that this was no ordinary news event. What was said was probably less important than what was seen. And what was seen was a war that was out of control.

For the first time nearly every politically aware American—except, curiously, for those actually in the war zone and thus beyond the range of network television—experienced all together, "just as it happened," a crisis on the battlefield and its reflection in the crisis atmosphere of Washington. Government officials absorbed the television reports in their homes and offices, as did politicians and the press. The impact on all was reinforced by the knowledge that neighbors, friends, families and everyone else—all were getting the same shocks. Suddenly the country looked at the war in a new light all at once, and the new light glowed through a picture tube.

I write these lines not to credit or blame television for what happened ten years ago but to set forth a theory which may explain the otherwise inexplicable. In my view the Tet Offensive was the first true-life Big Event in which television played a catalytic role in changing people's thinking and behavior on matters of national and international policy.

It can be argued that at least two other Big Events of this sort followed in the half decade after Tet:

The highly-changed "battle of Chicago" between demonstrators and police during the Democratic National Convention of August 1968, which nearly destroyed the presidential candidacy of Sen. Hubert H. Humphrey and catapulted Richard Nixon to an unbelievable 73-to-11 lead in the Harris poll.

President Nixon's epochal and theatrical trip to China in February 1972, a made-for-television production which generated a "China boom" in the United States, substituting fascination for antipathy and giving a mighty boost to Nixon's political fortunes in the process.

In recent weeks we have seen another Big Event: Egyptian President Anwar Sadat's dramatic policy switch embodied in his journey to Jerusalem. This was the most important mind-changing event since Tet and it broke new ground; it deeply affected the views of people in the area concerned, as Tet did not, as well as opinions in the United States.

Anwar Sadat, articulate, cool and English-speaking, is more attentive to and adept at American television than any other foreign leader. When he said he would go to Jerusalem, the U.S. networks played a role in bringing the trip about. The network anchors—Walter Cronkite, Barbara Walters and John Chancellor—accompanying Sadat on his plane to Jerusalem, presided over the Big Event in person from the scene. Television provided saturation coverage not only in the United States but in Egypt, Israel and much of the rest of the world via Eurovision.

Though it is uncertain at this writing whether Sadat's initiative will succeed, the impact has been very great—like Tet, greater than could be logically explained without the television factor. "I never thought that it would have such repercussions all over the world, and among my people also," a pleased and surprised Sadat told Time magazine.

In Egypt Sadat's trip loosed a powerful peace sentiment which could not be safely

voiced until that time. In Israel his journey shifted public and official opinion toward Egypt overnight, although the impact was less great on the knotty Palestinian problem. In the United States, Sadat suddenly became a superstar, finishing second to President Carter in Gallup's year-end "most admired" list, ahead of Hubert Humphrey, Billy Graham, Gerald Ford and Henry Kissinger. According to the Harris poll, the proportion of Americans believing that Egypt "really wants peace" leapt from thirty-seven per cent before Jerusalem to fifty-eight per cent just after the event and settled down to fifty-two per cent in early December. At that point, a higher proportion believed that Egypt "really wants peace" than thought the same of Israel (forty-seven per cent). This is an unprecedented change in perception.

What then are the attributes, potentialities and dangers of Big Event projection, via television, of dramatic happenings which are seen to be historic?

First, it is clear that action rather than words carry the televised impact, although words which suggest the meaning of the pictures may be important. The selective reality from Vietnam on the picture tube at Tet "disproved" the Johnson administration's optimism; the picture of Sadat trooping the line of Israeli leaders "proved" that he wants peace.

Second, the Big Event can take place only when and where the world press is attentive and the cameras are on the scene. Even then, it will only be treated as a Big Event if the editorial gatekeepers of the press—the anchors, editors and producers—believe it to be of extraordinary interest and importance compared to everything else that is going on.

Finally, the Big Event by its nature is the unusual and the unexpected, and the impact is greatest in the first hours and days when the surprise is greatest. At that point governments as well as journalists are likely to be unsure about the significance and outcome of what is happening—despite pressures to tell quickly "what it means."

It is often said that there is nothing new under the sun, but here is something new: the ability to bounce fragments of reality off satellites in space and transmit them instantly to homes and offices, touching the imaginations, fears, hopes and dreams of millions. Its benefit is to disseminate widely and quickly a taste of direct experience from afar, possibly illuminating truths and destroying myths and misconceptions. The danger is that the projected reality may be too selective, its meaning unknown and its message mistaken.

The global village created by international mass communications has a short attention span and little taste for suspended judgment. The new velocity and power of projected experience by satellite can change people's minds before the returns are in. We are only beginning to see the workings and implications of this circumstance.

In the case of the Tet Offensive, not much more is known today than was known at the time about the motives and expectations of those who planned it. Recent memoirs and histories of the war from the other side of the lines have said surprisingly little about the Tet campaign. No one ever came forward to claim credit. And the Vietnamese Communists never tried anything like it again.

Based on their experience with the French in 1945-54, the leaders in Hanoi consistently declared and expected that the United States sooner or later would tire of the war. From available evidence it is doubtful that they understood, any more than the U.S. leaders of the time, how the Tet Offensive would bring that about. Even ten years later, we can perceive only in shadowy outline all the forces which worked at Tet. The first international Big Event, via television, remains one for historians to ponder.

## PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of \$25 million or, in the case of major defense equipment as defined in the act, those in excess of \$7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, Mr. President, I ask unanimous consent to have printed in the RECORD the notification I have just received.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,  
February 15, 1978.

In reply refer to: I-735/78ct.

HON. JOHN J. SPARKMAN,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith, Transmittal No. 78-11, concerning the Department of the Navy's proposed Letter of Offer to the United Kingdom for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost \$69.8 million and support costs of \$2.2 million for a total estimated cost of \$72 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,  
Lieutenant General, USAF, Director, Defense Security Assistance Agency, and  
Deputy Assistant Secretary (ISA), Security Assistance.

[Transmittal No. 78-11]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

- (i) Prospective Purchaser: United Kingdom.
- (ii) Total Estimated Value: Major Defense Equipment\* \$69.8 million, other, \$2.2 million. Total \$72.0 million.
- (iii) Description of Articles or Services Offered: Five hundred (500) MK-46 mod 2 torpedoes.
- (iv) Military Department: Navy.
- (v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.
- (vi) Date Report Delivered to Congress: February 15, 1978.

\*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

WASHINGTON, D.C.,  
February 15, 1978.

In reply refer to: I-8547/77ct.

HON. JOHN J. SPARKMAN,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 78-14, concerning the Department of Air Force's proposed Letter of Offer to the Republic of Indonesia for major defense equipment, as defined in the International Traffic in Arms Regulations

(ITAR), estimated to cost \$125 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,  
Lieutenant General, USAF, Director, De-  
fense Security Assistance Agency and  
Deputy Assistant Secretary (ISA),  
Security Assistance.

[Transmittal No. 78-14]

NOTICE OF ISSUANCE OF LETTER OF OFFER PUR-  
SUANT TO SECTION 36(b) OF THE ARMS EX-  
PORT CONTROL ACT

(i) Prospective Purchaser: Republic of In-  
donesia.

(ii) Total Estimated Value: Major Defense  
Equipment\*, \$125.0 million. Other, 0.0 mil-  
lion. Total, \$125.0 million.

(iii) Description of Articles of Services Of-  
fered: Twelve (12) F-5E and four (4) F-5F  
aircraft, support equipment and spare parts.

(iv) Military Department: Air Force.

(v) Sales Commission, Fee, etc. Paid, Of-  
fered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress:  
February 15, 1978.

\*As included in the U.S. Munitions List,  
a part of the International Traffic in Arms  
Regulations (ITAR).

WASHINGTON, D.C.,  
February 15, 1977.

In reply refer to: I-7489/77ct.

Hon. JOHN J. SPARKMAN,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the re-  
porting requirements of Section 36(b) of the  
Arms Export Control Act, we are forward-  
ing herewith, Transmittal No. 78-15, con-  
cerning the Department of the Army's pro-  
posed Letter of Offer to Saudi Arabia not for  
major defense equipment as defined in the  
International Traffic in Arms Regulations  
(ITAR), estimated to cost \$604.5 million.  
Shortly after this letter is delivered to your  
office, we plan to notify the news media.

Sincerely,

H. M. FISH,  
Lieutenant General, USAF, Director, De-  
fense Security Assistance Agency, and  
Deputy Assistant Secretary (ISA),  
Security Assistance.

[Transmittal No. 78-15]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF  
OFFER PURSUANT TO SECTION 35(b) OF THE  
ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense  
Equipment\*, \$0.0. Other, \$604.5 million.  
Total, \$604.5 million.

(iii) Description of Articles or Services  
Offered: Amendment No. 8 to the Saudi Or-  
dnance Corps Program (SOCP), calling for the  
US Army Corps of Engineers to provide con-  
tract management, construction, and fiscal  
services support of procurement by the  
Saudi Arabian Army Ordnance Corps.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Of-  
fered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress:  
February 15, 1978.

\*As included in the U.S. Munitions List,  
a part of the International Traffic in Arms  
Regulations (ITAR).

SENATOR DICK CLARK ON DIFFI-  
CULTIES OF THE CATTLE FEEDING  
INDUSTRY

Mr. TALMADGE. Mr. President, I  
want to commend to the attention of my  
colleagues in the Senate an appraisal of  
the difficulties of the cattle feeding in-

dustry prepared by Senator DICK CLARK  
of Iowa. Senator CLARK looks carefully  
at the forces that have come together to  
put heavy pressure on cattle prices in  
recent years. And, he thinks the Govern-  
ment should take a stronger position in  
our negotiations with countries who sell  
beef and other products to us so that we  
do not bear more than our share of the  
economic adjustments going on around  
the world just now. Senator CLARK pre-  
sented his views before the Sioux County,  
Iowa Cattlemen last January 14. Mr.  
President, I ask unanimous consent that  
Senator CLARK's remarks be printed in  
the RECORD.

There being no objection, the state-  
ment was ordered to be printed in the  
RECORD, as follows:

SIoux COUNTY CATTLEMEN

It is a pleasure for me to be here with you,  
this evening. And I do not mean that lightly.  
It's a pleasure to visit with cattle producers  
right out in the heart of cattle country.  
I know that many of you, and the cattle  
feeding industry in many parts of the coun-  
try, have had a very long seige of low cattle  
prices and increasing costs, and that many  
cattle feeders have lost money for most of  
the time over the last three or four years.  
I wish that I could tell you that I have the  
answer to the problems that have been pla-  
guing the cattle industry. I can't. Instead,  
I hope to talk with you about the problems,  
and perhaps learn some things I can take  
back with me to Washington when Congress  
reconvenes next week.

When I go back next week, I will be end-  
ing 6 weeks of discussions with Iowans about  
our issues and problems. I confess that my  
time in Iowa is not entirely due to a sense  
of duty. Partly, I come here because I enjoy  
it. I get a sense of renewal when I can get  
away from the city and the meetings and get  
outside—even if outside means Iowa win-  
ter.

One doesn't have to be back here long to  
appreciate the kind of values that prevail—  
rural values basing values of hard work, re-  
sponsibility, friendliness. Values that really  
made our country great.

I want to make a few comments tonight  
and then take this opportunity to get some  
comments from you on things that concern  
you and the cattle feeding industry and  
farming in general.

I know that most of your concerns are  
rooted in the persistent low cattle prices.  
This concern is sharpened by the fact that  
many countries in northwest Iowa suffered  
dry weather in 1976 and lost at least part of  
a crop at a time when the crop disaster pro-  
gram was being administered so as to min-  
imize cost to the government and, protec-  
tions to the farmers.

And, I know that cattle feeders continue  
to be concerned by the high level of beef  
imports—running over a billion pounds a  
year now and expected to reach 1.3 billion  
pounds in 1978.

To some extent, the beef industry has been  
troubled by bad luck—by the fact that a  
number of things happened at the same time.  
Any one of them would have been a serious  
problem, but when they came together they  
made things even worse.

I suppose the first of these is more or less  
natural. The cattle cycle is a basic fact of  
life in the cattle industry. When prices are  
favorable and ranchers begin holding back  
heifers for breeding, that reduces the num-  
bers available for feeding and pushes cattle  
prices even higher. This increases calf pro-  
duction. Once these calves began to come to  
market as fat steers and heifers, it is hard to  
regulate that supply. Almost inevitably beef  
supply reaches the level where prices

weaken. And then ranchers liquidate herds  
and increase the supply even more and fur-  
ther depress the price until the nation's  
breeding herds is back down to some basic  
level. Then prices strengthen and the whole  
process begins once again.

We reached a high production point on  
that cycle about 1976—and, for the only  
time in 50 years virtually every cattle pro-  
ducing nation in the world reached the same  
point at about the same time.

Market experts seem to think that we are  
about through a liquidation phase now and  
that we should see some market strength  
this year. My optimism over that expectation  
is tempered by the fact that they expected  
the market to turn up quite a bit earlier—  
almost a year ago and much of that expected  
market strength did not materialize. How-  
ever, I see that cattle prices are slightly  
stronger now than they were a year earlier.  
Perhaps the experts will be right this time.  
Let's hope so.

The second force that troubled the beef  
industry in recent years was a drop in  
domestic demand. Our finished beef is a  
product that enjoys extremely high con-  
sumer favor. It is, in a sense a luxury. But  
consumers can get along without streaks if  
their income falls, and to some extent, that  
is what happened. The recession of the last  
few years caused many consumers to do  
without many things they wanted, including  
a certain amount of beef—enough so that  
the overall demand was weakened, and  
enough so that price recovery has been  
weaker than expected over the past several  
months. Even worse, it appears that once  
consumers reduce their demand for a prod-  
uct temporarily, it is hard to get them to  
consume again at the same level. When their  
real income increases, they do express their  
preferences again, but that takes time.

And, we still have some good beef cus-  
tomers out of work. Interestingly, it is the  
medium and lower income workers who  
spend the largest share of their income and  
save the least. They spend more of their in-  
come on food. And, they like beef and buy  
lots of it. Unemployment is still high—far  
too high, and we are losing part of our beef  
market because of it. Last month, however,  
we saw a significant drop in unemployment.  
That can help.

A third set of forces adversely affecting the  
beef industry are related to international  
problems—in a sense the energy crisis.

I am surprised when people question  
whether or not there is an energy crisis.  
There is a temptation to conclude that be-  
cause we do not have lines at gas stations,  
we do not have an energy crisis. We are now  
spending \$45 billion a year on oil, and the  
impact on the dollar is negative and serious,  
as you know. The world energy crisis im-  
pacted on beef very quickly after the 1973  
oil embargoes. It appeared in the form of a  
crisis in foreign exchange. And it resulted in  
a violent disruption in world beef trade.

In the years previous to 1974, the European  
economic community was importing some  
850,000 to 900,000 metric tons of beef annual-  
ly and Japan was importing about 300,000  
tons from all sources. Partly because of in-  
creases in their beef production, but largely  
because of their need for foreign exchange to  
buy oil, the Europeans reduced their imports  
to about 250,000 metric tons annually and Ja-  
pan reduced their beef imports to below 100,-  
000 metric tons. Very suddenly, the world de-  
mand for beef declined by some 800,000 met-  
ric tons— $\frac{2}{3}$  of the export market disap-  
peared—enough to shatter the world beef  
price.

A drop in world beef prices puts pressure  
on U.S. prices through the beef we import.  
This beef does not compete precisely with the  
beef that comes from Iowa feed lots—it is  
almost entirely lower quality beef. But im-  
ported beef does compete with our cow beef,



obviously, and it competes with a portion of the choice beef carcass. Distressed prices for hamburger beef around the world were one more contributing factor to low U.S. cattle prices.

The U.S. has a law concerning beef imports that was designed to protect beef producers against low surges in imports. The meat import act of 1964 allows the Secretary of Agriculture to enter into voluntary agreements with beef producing countries to limit their shipments to the U.S. Basically, it allows the Secretary to develop agreements that limit beef imports to about 7% of the U.S. market.

It was assumed when the act was passed 13 years ago that it would hold imports down to a level that the U.S. needs to supplement the higher quality beef that comes from our feed lots. It was felt that foreign beef would come in when U.S. prices were high and more beef was needed here to maintain demand, but that the quantities foreigners would be willing to sell here would fall when U.S. prices are lower and less attractive.

In fact, we have imported just about exactly the maximum amount each year since the mid-1960's—when prices were high and when they were low. In 1967 almost a billion pounds were imported and between 1 billion and 1.3 billion have come in each year since then. Clearly, the law has prevented some beef from coming into this country that would have come in in the absence of any agreements. It is just as clear that the law does not work to give any added protection to cattle feeders when they are most vulnerable.

In fact, there are several loopholes. For example, it is possible to import live cattle without restriction under the 1964 act. Not only do these cheap cattle increase the beef supply and increase pressure on U.S. prices, but when they are slaughtered they are counted in the estimates of domestic production and they then increase the allowance for imports, too. While beef imports do not amount to a flood—the total beef from imported cattle and from direct beef imports probably does not exceed 2 billion pounds, or less than 10% of our 26 billion pound beef production—still, imports are an additional and significant downward pressure on cattle prices. Certainly, this is an additional adverse pressure cattlemen do not need.

It is one thing to describe a problem. To know what ought to be done about it is sometimes a far more difficult matter. And yet, it is of little value to describe a problem if we don't try to solve it.

Our long term policy objective must be to strengthen the demand for our beef. This means that the nation must first find and implement policies that reduce unemployment and strengthen our domestic consumer demand. We are seeing some progress in that area. But progress is slow and it is not reaching some groups of unemployed people.

We must also develop an effective strategy to shift the balance of our international trade in beef. Either we gain access to European and Japanese markets on the same basis as we give them access to our markets, or we must find ways to reduce the access foreign beef producers have in U.S. markets. Such conclusions have very serious implications, I know.

First, negotiations are complicated by the fact that those who sell beef in the U.S. are not the same nations whose markets we would like for our beef. As a result, negotiations on these issues must involve a large number of nations and many, many commodities and products. We cannot deal independently with these nations.

Second, international trade depends on stable or growing economies and there is very serious concern around the world just now concerning slowdowns in economic growth.

Third, in order to obtain concessions from

customers it is necessary to make concessions to other nations. That means, at least, that U.S. proposals to Japan and Europe to reduce restrictions and tariffs on beef probably depend, at least in part, on our willingness not to add restrictions on our non-agricultural imports—at least for the time being.

I agree with the logic this line of reasoning takes, but I believe that there is a limit to its application, and that there are some things that should be undertaken right away.

The first is tougher bi-lateral agreements with Canada and Mexico concerning imports of live cattle. We need a better means to control this flow, especially so that we can be assured that the numbers coming in will at least go up and down with prices, and not the other way around. When it works in the reverse, it means that we become the dumping ground for North America's distressed cattle.

The second is hard-headed negotiations with the Japanese and Europeans about the way they restrict U.S. beef imports.

Very important and delicate negotiations are underway this winter both in Tokyo and Geneva, and beef is very high on the agenda in both places. We are pressing the Japanese for a 10 fold increase in the quantity of hotel and restaurant beef they allow to come in, and we are pressing the Europeans for a major change in their variable levy.

As you know, Robert Stauss, our trade negotiator, has just concluded some tough negotiations with Japan, and that they now have agreed to buy more beef. The amounts are small, but they do represent progress.

Even more significant, we are pressing both these customers for access to a significant and increasing share of their domestic market to be phased over the next several years.

The fact is that in the industrialized world, at least, every nation depends on virtually every other nation for both markets and for supplies. Any significant disruption of either markets or supplies has serious and far reaching impacts on large segments of the population. A return to isolationism would be costly for all.

However, I also believe that we have borne more than our share of the brunt of economic change. Our international trade balance is a disaster. We need significant concessions in trade from our trading partners, and we must insist on those even to the point of threatening their markets in this country.

On the whole, our agricultural interests in international trade are immense. We depend on overseas customers for markets for about half our soybeans; half our wheat; and a quarter of our corn. To a large extent, the prosperity of agriculture today depends on our access to foreign markets.

In fact, I am convinced that the decade of the 1970's will turn out to be a major turning point for U.S. Agriculture—because it was during this decade that U.S. Agriculture became an export-oriented industry.

We are committed to an export-orientation by events beyond our control. Long term world population trends and long term increases in the economic purchasing power of foreign countries were the basic causes.

The shift of U.S. agriculture to an export-oriented industry is a basic change. Because it arises mainly from long-standing and powerful world wide trends, I believe it will persist. But this perspective is not entirely understood in this country, or believed around the world. It deserves reemphasizing. It means that U.S. agricultural commodities now face levels of world demand that will keep world prices high enough to allow efficient U.S. producers to sell at a profit both overseas and at home most of the time.

This concept sounds straightforward and very positive, but it is not as easy and simple as it seems. We cannot expect to

maintain our extremely important competitive advantage unless we design our policies with extreme care to support and maintain it. And that, many times, raises extremely difficult questions.

We have to be willing to expand considerably those government programs designed to help foreigners find out about our products, and try them out. We have to conduct thorough country-by-country analyses of the potential demand for our products. Where there is market potential, we must find out why sales are low and do whatever is appropriate to remove the barriers that are holding sales down.

We must keep our prices competitive, but that is not enough. We have to pursue customers aggressively. And we must find and remove barriers to trade. For example, I suggest we should very carefully review the list of nations who enjoy most favored nation status, and seriously consider whether a number of those which have great potential as customers for our agricultural products should be added to that list.

I began this evening with a description of a number of negative observations about forces that have held beef prices down in recent months—indeed, for the past 3 to 4 years. And, we all know that, at today's prices, many farmers are not even close to making a profit—and some are not even breaking even. There is serious economic concern among farmers all across the nation about both the immediate and the long term future for farming.

In spite of that, I take what is basically an optimistic long term view. I believe that the nations of the world are successfully adjusting to the economic shocks they felt from increased oil prices, and that we will face strong and increasing economic demand for both our agricultural and our industrial products.

And, I am encouraged that we are beginning to recognize our international trade problems and take steps to correct them. I recognize that there is strong pressure and some unfair competition from abroad—but there is also widespread realization in agriculture that we need foreign markets and cannot afford to interfere with fair and evenhanded competition even though it puts some competitive pressure on us. If we can weld these advances into a comprehensive agricultural production and trade policy, we will be in a far better position to anticipate and deal with the next series of sharp changes in weather, economic position, and prices.

It is a great pleasure to be with you. Thank you.

#### WORLD ALTERNATE ENERGY CONFERENCE AND INTERNATIONAL ALTERNATE ENERGY COMMISSION

Mr. McGOVERN. Mr. President, on December 15, 1977, the late Senator Hubert Humphrey introduced Senate Concurrent Resolution 62, a resolution requesting the United Nations to convene a World Alternate Energy Conference and establish an International Alternate Energy Commission. Due to the sad circumstances of Senator Humphrey's death, I am undertaking the legislative effort on this resolution in the Senate.

The energy dilemma we face in the United States is not unique. Conventional energy resources are becoming scarce and expensive worldwide. Studies developed by the Organization for Economic Development indicate several major industrialized and developing nations' energy research and development programs are inadequate and will fall short of meeting their energy needs by the year 2000.

One of our most promising energy options is in the development of renewable resource technology. The United States has advanced beyond several nations in the development of solar energy technologies, while other nations have conducted research in some renewable resource fields in which we would benefit from the technology transfer. An international effort is needed to provide and collect the information and technology necessary to close the projected gaps between energy demand and supplies.

I urge support of this resolution which would establish the mechanism essential to the international exchange of these technologies.

Mr. President, I ask unanimous consent that an article from the January 4, 1978, *Oil Daily*, describing the necessity of such an international effort be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the *Oil Daily*, Jan. 4, 1978]

**ENERGY R. & D. STILL INADEQUATE, OECD REPORT SAYS**

WASHINGTON.—The current expansion of research and development programs for energy resources in 13 industrialized nations is still inadequate, according to a report by the Organization for Economic Development.

Calling for an "integrated international cooperative effort," the group's International Energy Agency said the countries' programs fall short of solving their energy problems by the year 2000.

IEA, in its report, suggested general priorities for research and development objectives and gave a preliminary assessment of the possible impact of these technologies during the next 20 years.

**TWO SCENARIOS**

The group projected oil imports for 13 of its 19 member countries under two scenarios. One was without new supply or conservation technologies. The other was with the potential development of these measures.

Without the successful introduction of new technologies, the report stated, by the year 2000 the 13 countries will need almost as much oil as the current world production—about 2,616 million tons of oil equivalent. Of this amount, 1,848 million tons would come from foreign sources.

Current research and development efforts, if they are successful, could offset only about half of the projected imports, the report said.

International efforts could help close this gap, IEA continued. It urged connecting national programs with international efforts and the sharing of advanced energy sources when this becomes technically feasible. It also called for the acceleration of research and development timetables and greater concentration on economic targets.

In a list of international objectives, IEA gave conservation measures top priority.

The agency said that technologies involving fuels which can be directly or easily substituted for oil should be considered next in the order of priorities. Such measures include development of oil shales, tar sands, coal and nuclear converters.

Broader use of renewable energy resources was third on IEA's list of international objectives. These technologies, involving solar heating, biomass and hydro power, would be more available to underdeveloped countries than would the former group of technologies.

Lastly, IEA recommended sharing world technical and financial resources to deal with long-term energy needs. It urged industrialized countries to take the lead in development of such measures as the nuclear

breeder, large-scale solar applications and hydrogen technology.

In a second phase of the project, IEA said it will cover further analysis and strategy development in greater detail.

**PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES**

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of \$25 million, or in the case of major defense equipment as defined in the act, those in excess of \$7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications were received on February 16, 1978.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

Mr. President, I ask unanimous consent to have the notification printed in the RECORD.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

**DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA**

Washington, D.C., February 16, 1978.

In reply refer to: I-13125/77ct

Mr. WILLIAM RICHARDSON,

Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: My letter dated 18 February 1976 indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to NATO tentatively estimated to cost in excess of \$25 million.

Sincerely,

H. M. FISH,  
Lieutenant General, USAF.

**DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA**

Washington, D.C., February 16, 1978.

In reply refer to: I-13126/77ct

Mr. WILLIAM RICHARDSON,

Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: My letter dated 18 February 1976 indicated that you would be advised of possible transmittals to Congress

of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country for major defense equipment tentatively estimated to cost in excess of \$7 million.

Sincerely,

H. M. FISH,  
Lieutenant General, USAF.

**SENATOR KENNEDY'S LEADERSHIP ON UNITED STATES-CHINA RELATIONS**

Mr. MCGOVERN. Mr. President, Mr. David Broder, the distinguished Washington Post columnist, has written a much deserved tribute to the recent work of Senator KENNEDY in strengthening American policy toward China. I ask unanimous consent that Mr. Broder's article in the February 1, 1978, issue of the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**KENNEDY: "A SKILLFUL PROD" ON CHINA**

In the long annals of American diplomatic history, the case of Patrick Kennedy's tooth may not even rate a footnote. But then again, it may, so it's worth getting on record now, while the memory is fresh.

It was in Canton, on the final night of the Kennedy family's early-January trip to China, that Patrick, aged 10, was called upon to add his words to the reminiscences being exchanged by the Kennedys and their Chinese hosts.

He said some things about his pleasure in having made friends his own age in China that quite clearly touched the Chinese officials. And one of them, responding, said—not without emotion—that it was more than symbolic that Patrick had lost a baby tooth while he was in China. Chairman Mao himself had written that whoever leaves something behind in China, leaves a part of himself with China.

As Patrick's father, Sen. Edward M. Kennedy (D-Mass.), recounts the story, there is more than a little emotion in his own voice. It is obvious that Patrick was not the only Kennedy to leave something of himself behind in China.

And that is important, because Ted Kennedy—who in his 10-year period of imposed exile from presidential politics has quietly become the most skillful politician of the left in America—can quite conceivably do more than anyone else just now to nudge along the U.S.-China relationship.

Certainly President Carter cannot. Although committed in principle to the goal of "normalization" of American relations with Peking, Carter has his hands full with Panama and SALT and the Middle East. He needs another controversial foreign-policy issue like he needs another Marston affair.

Even since Secretary of State Cyrus Vance's chilly trip to Peking last year, when the Chinese learned that "normalization" is well down the list of priorities for this administration, official diplomacy between the two countries has slowed to a crawl.

The Chinese have not bothered to replace the head of their liaison office in Washington, who left last fall. Leonard Woodcock, the head of the U.S. liaison office in Peking, was back in Washington for a month last fall without even seeing the President. He is coming home again this month for more "consultations." Talk of Cabinet members' visiting China for discussions of agriculture or trade was discouraged by National Secu-



rity Adviser Zbigniew Brzezinski. Talk of a Brzezinski visit to Peking was discouraged by Vance.

This political impasse, fortunately, has not hindered the increasing traffic of legislators, state delegations, businessmen, scientists and other visitors to China. But it has created a vacuum in the high-level public discussion of China policy, which Kennedy seems uniquely qualified to fill.

Intellectually, Kennedy has been committed to the cause of improved U.S.-China relations for a dozen years, taking that position long before Richard Nixon's trip to Peking gave it political respectability. In a speech last August, he advocated diplomatic recognition of Peking and withdrawal of the remaining U.S. troops from Taiwan, but the maintenance of strong U.S. commercial and private ties with the Nationalist Chinese island.

As was the case with his brothers, however, real commitment for Ted Kennedy involves personal contact with people and problems—not just thinking about issues. And this first trip to China has given him a feel for the country that was not there before. He now knows not only some of its top leaders, but also university rectors, plant managers, physicians and scientists.

His is not a Pollyannaish view of that regime. He saw the effects of its propaganda when he polled Chinese students and found they accepted the paradoxical government line that China should invest in farm equipment to improve its standard of living, but the United States should build more arms to help control Soviet aggression. He saw, firsthand, the arbitrariness of a government that gave him permission to interview a prisoner in jail but denied him an appointment with its own minister of health.

But Kennedy—whose preparations for the China trip were, State Department officials say, the most thorough ever undertaken by a congressional visitor to that country—has come back convinced of two things: that the basic interests of China and the United States run in parallel tracks at this time, and that we must move to solidify that relationship through diplomatic recognition.

To that end, he will operate, not as a critic of the Carter administration, but as a skillful prod—playing a role that is far from unwelcome to many of the President's advisers.

With the knowledge but not necessarily the approval of the administration, he carried to the Chinese officials suggestions for a number of steps, short of "normalization," that might carry immediate benefits for both countries and also improve the climate for diplomatic recognition. They include specific scientific, cultural and commercial exchanges. But the most important, Kennedy thinks, in terms of public opinion, would be Chinese actions to permit reunification of divided families.

He is now waiting with interest to see if the Chinese, who recognized the symbolic value of his suggestion that six musicians from the Peking Philharmonic join the Boston Symphony next summer at Tanglewood, will also see the wisdom of letting Johnny Foo, an ailing Chinese who Kennedy arranged to see on his trip, visit his parents in Stoneham, Mass.

After the Panama debate is over, Kennedy will be speaking out again in public on U.S.-China relations, giving that issue the public visibility the administration cannot now provide. And just as Kennedy's constant advocacy keeps national health insurance from falling off the President's agenda, so it may be with the China issue.

The man who cannot, for now, be President can still be a major influence on presidential decisions. And that is why Patrick Kennedy's tooth, and all that goes with it, may yet be a footnote to diplomatic history.

## WOMEN IN COMBAT

Mr. PROXMIRE. Mr. President, U.S. News and World Report recently ran a "Pro and Con" column on the question, "Should Women Fight in War?"

Taking the pro side was Maj. Gen. Jeanne Holm, who testified before the Joint Economic Committee Subcommittee on Priorities and Economy in Government last summer on this subject. I find myself in general agreement with her arguments.

Brig. Gen. Elizabeth Hoisington spoke against using women in combat units. The main thrust of her argument was that combat is a terrible thing and that women should not be subjected to it.

I agree that war is hell, and I do not want anyone—male or female—to have to undergo its horrors. But I think General Hoisington underestimates the skill, stamina, bravery, and responsibility of the women in our armed services.

Numerous studies and tests have shown that women in no way reduce our military effectiveness. On the contrary, women score higher on standardized tests, they have a higher retention rate, they are less of a disciplinary problem, they are strong enough for almost all jobs, and they lose one-half as much time from the job as do men.

General Hoisington repeatedly makes the point that Congress has placed current restrictions on women in the military. This is true in part, and I hope that Congress will see fit to remove these restrictions that deny equal career opportunity to servicewomen and that keep our defense effort from being as strong as it can be.

The Secretary of Defense will soon be sending recommendations to Congress on the role of women in the services as well as a revised definition of "combat." I hope the Armed Services Committee will give this important matter immediate attention.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SHOULD WOMEN FIGHT IN WAR?

(Interview with Jeanne Holm, Major General, U.S. Air Force (Ret.))

YES—"GET OVER THE NOTIONS THAT WE HAVE ABOUT WOMEN IN COMBAT"

Q. General Holm, why do you favor abolishing laws that limit the assignment of women to combat units in the armed forces?

A. I feel that it is inevitable that the law that currently limits the use of women as air-crew members and aboard ships is going to be changed in the near future because that's the direction our culture is going. Service Secretaries should be allowed to use their own discretion in the assignment and training of all their people.

Q. Should there be a limit on the use of women in combat?

A. I see no reason for any restrictions on the use of women as members of combat air crews. I see no reason why they should not serve aboard combat ships.

The bottom line is obviously infantry. There I have a little difficulty. I think the services have to be very cautious in what they do in that regard because there are unique problems. The Army is currently conducting tests to determine just how far they

can and should go with the use of women in combat units of that kind. We just have to wait to see what they find out.

Remember, only 8 per cent of the people in the armed forces are infantrymen. There are other forms of combat without being in the infantry.

Q. Do you mean armored forces and—

A. Yes. And artillery. Missiles, I think that the armed forces ought to find out what the limitations really are, and get over the notions that we have about women in combat. They should find out what the problems really are—get down to the nitty-gritty. I think the Army is finally facing up to that. I would be very surprised if women end up as infantrymen. But I leave that door open. The Army may find that I'm wrong on that.

Q. Is there a danger that women in combat will lower the efficiency of these units in battle, and perhaps even endanger lives of the whole unit?

A. It might; it might not. If it lowers combat efficiency, then we have no choice but to exclude them.

The No. 1 criterion must be the ability of the unit to perform its combat mission. Everything else has to be secondary to that.

Q. Would the nation's military power over all be affected by putting large numbers of women into combat units?

A. That is another concern that the armed forces do have. Any reticence that the military has about increasing the numbers of women is, I am convinced, a genuine, deep-seated concern about combat effectiveness. There is a concern that a potential enemy would see this as a weakening of our resolve, a weakening of our armed forces. But it's interesting to note that the Russians in World War II used large numbers of women as combatants in the military—even as pilots of combat aircraft.

Q. How many women should the armed forces recruit?

A. First, let me point out that there are literally tens of thousands of jobs that women could do without ever coming up against the issue of combat—particularly in the Air Force.

In fact, the Air Force already is expanding its use of women at an enormous rate—probably as fast as practical. They've gone from 5,000 enlisted women and about 700 officers—exclusive of nurses—in 1965 to 40,000. Now, that's pretty spectacular. And they're planning to double that to 87,000 in five years. Where they will go from there will depend on what the recruiting climate is.

Q. Is there more discrimination against women in the military services than there is in civilian jobs?

A. Once a woman is in the forces, the discrimination is much less. As a matter of fact, it's disappearing at a very rapid rate. Almost all institutional discrimination has been eliminated.

Q. Do you think that we're going to see a time when women are going to be commanders of the armed forces and members of the Joint Chiefs?

A. Yes. I don't know when that time is. It's got to be at least 20 years from now because the people who achieve those positions generally are academy graduates. Women have just been admitted to academies—and in very tiny numbers.

Q. Isn't there a disproportionately high dropout rate of women from the military services?

A. The statistics that the services have been gathering indicate that the loss of time for women on duty is less than lost time for men—even taking into account time lost for pregnancy. Actually, the retention rate of women is higher than for the men. I always thought that because of pregnancy the turnover rate of women would always be a little bit higher than the men. But

what has happened is that the retention rate of women has gone up while the retention rate of men has gone down.

You see, we have changed the policies with regard to women and children. And we now make it much easier for a woman to stay in the armed forces and have a normal family life. The concept that it's not feminine for a woman to be in the military is disappearing.

Q. In your view, is it necessary to eliminate the restriction on women in combat roles to save the volunteer service?

A. No. This is not critical to the volunteer forces because of the relatively high ratio of noncombat to combat personnel required by modern military forces. However, there's no question in my mind that women are making the all-volunteer force a reality. Not only that, they are improving the quality of the force.

If we expect to meet the future requirements of all-volunteer forces, I don't think we have any choice but to continue to use more women. Otherwise we're going to have to resort to some kind of selective service again, and I don't think that's in the cards.

(Interview with Elizabeth Hoisington, Brigadier General, U.S. Army (Ret.))

**NO—WOMEN ARE NOT "PHYSICALLY, MENTALLY AND EMOTIONALLY QUALIFIED" FOR COMBAT**

Q. General Hoisington, why do you oppose assignment of women to combat units in the armed forces?

A. If we assign women to combat units, we must accept the inevitability of their going into battle.

I have no personal experience in a combat unit, but my male colleagues tell me—and I believe—"War is hell." Heads are blown off; arms and legs are maimed; suffering is so intolerable it affects men for years. It is bad enough that our men have to endure this. But do we want young women to suffer it, too?

I get fed up with all the studies about whether or how many women should be assigned combat units. Studies cannot duplicate the realism of a battle in a Vietnam jungle or the cold Korean hills, the trauma from killing, witnessing death and terrible wounds.

I do not doubt the Army has women who can complete a combat course, endure three days or three weeks under field conditions, and shoot as straight as any man. But in my whole lifetime, I have never known 10 women whom I thought could endure three months under actual combat conditions in an Army unit.

I think we should continue to have a legal bar against women in combat units—not because they are women but because the average woman is simply not physically, mentally and emotionally qualified to perform well in a combat situation for extended periods. Nor should our country allow women to subject themselves to this experience that is so devastating and leaves such dreadful wounds—mentally and physically.

Q. Do you think that putting women into combat units would reduce the effectiveness of our military forces?

A. Yes, I do. Women cannot match men in aggressiveness, physical stamina, endurance and muscular strength in long-term situations. In a protracted engagement against an enemy, soldiers with these deficiencies would be weak links in our armor. We cannot build a winning Army if the soldiers in it have no confidence in the long-term mental and physical stamina of their comrades.

Also, we must consider the consequences of mixing men and women in units in a close situation like combat. Man-woman relationships become a problem, and they could cause costly distractions.

Q. Would you favor allowing women to serve on combat ships and aircraft, while

barring them from combat roles in the infantry or ground forces generally?

A. No, I do not think it's practical to make this distinction. Congress decided this question of women serving in combat planes and ships when they passed Public Law 625, the Women's Armed Services Integration Act, in June, 1948. They said women will not be assigned to ships or planes that are engaged in combat missions. Congress also made it clear that it expected the Army to keep women out of combat units through its regulations.

Nothing has changed since then to make Congress change its mind. The American people do not want their women in combat units. Only a small, nonrepresentative group of rather noisy women are advocating that women be assigned to combat units.

Congress should not change the law. The Army should not change its regulations. They must continue to look at the big picture.

We know some women have the brains, ability and courage to be fighter pilots and part of a missile or ship's crew. But how are the mothers, fathers, husbands and brothers of these women going to feel when the planes and ships go down, the women are killed or taken prisoner? Who then will want to admit it was their idea to change the policy and put women in combat units?

Q. Do you oppose such a change because it would alter the traditional role and image of women in American society?

A. The crux of this whole thing is that women alone can be mothers. There's no transferring that role.

I think we already have a pretty good plan for the division of responsibility between the sexes. It's pretty plain that God intended women to bear the children and men to be the protectors in our society.

Q. Isn't it unfair to limit a woman's job opportunities—to say she cannot become a fighter pilot or a destroyer captain or a platoon leader—simply because of her sex?

A. This question cannot be decided on the basis of job opportunities or equal rights. It has to be decided on the basis of whether or not this is the proper thing for women to be doing.

We shouldn't let people who have no knowledge of war or combat duty make the decision. We should listen to men with knowledge and experience in such matters. They alone know the endurance and stamina required. They alone know the reaction to hand-to-hand combat, to bodies and minds being blown apart or crippled forever. Ask any combat-experienced Army officer or NCO [noncommissioned officer] if he wants his daughter assigned to a combat unit.

Q. What about the women themselves? Obviously, they might be exposed to physical danger. Do you fear it might be harmful to them in other ways as well?

A. Yes, it would be harmful in many ways. If women knew or could even imagine the physical, mental and emotional demands of serving in combat, they would not blithely or bravely volunteer to serve in combat. The peripheral dangers of serving in combat units—being raped by stronger or temporarily crazed comrades; being taken prisoner of war and similarly abused, beaten and starved; being mentally and physically incapable of performing one's assigned duties in combat and being responsible for others being killed or wounded—these are some of the other harmful situations women would experience in combat. There is more to fear in combat than just being killed and not returning to your loved ones at home.

Q. Will it be possible for the armed services to continue with the all-volunteer force without using women in combat, or at least, semicombat units?

A. Yes, I think so. Just recently, the Secretary of the Army stated that the all-volunteer Army is a success. If this is true, there should be no need to change the policy on using women in combat units.

## CONGRESSMAN HAWKINS AND THE FIGHT FOR FULL EMPLOYMENT

Mr. McGOVERN. Mr. President, the Washington Post of February 1, 1978, carries an interesting article about the courageous and effective career of Congressman AUGUSTUS HAWKINS and his great fight for full employment.

As a longtime admirer and colleague of Congressman HAWKINS, I ask unanimous consent that this much desired article about this respected California lawmaker be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

AUGUSTUS F.: THE OTHER, UNKNOWN HALF OF HUMPHREY-HAWKINS

(By Ward Sinclair)

Augustus F. Hawkins is not complaining, but he is one of the more famous unknown men of the day.

He is the other half of Humphrey-Hawkins, the shorthand term for the controversial employment and economic policy bill pending in Congress.

In that context, Hawkins' name rings a bell in millions of minds. It is a subject of White House statements, a topic of presidential campaign debate.

Yet for all the name recognition that has brought him, Gus Hawkins remains a famous unknown—at least outside the small circle in which he moves.

His circle is the House of Representatives, where he sits as the Democratic congressman from the Watts area of Los Angeles. He was elected in 1962, the first black to come to Congress from west of the Rockies.

Fifteen years in the House have lifted Hawkins to chairmanship of the Education and Labor subcommittee on employment opportunities, which makes him a central actor in every job creation and welfare revision proposal that comes along.

For those emotional and fight-provoking issues, his colleagues and acquaintances say, Hawkins is the right man: fair, thorough, persistent, shrewd, low-key, willing to let others take the credit and win the headlines.

Humphrey-Hawkins is a perfect example.

Hawkins drew up most of the legislation and got it started through the House in 1973. The late Sen. Hubert H. Humphrey (D-Minn.) added features to it and began pushing it in the Senate. Humphrey's name and enthusiasm helped. The press, business, labor, and people in Congress soon named the Full Employment and Balanced Growth Act the Humphrey-Hawkins bill.

Some blacks insist on calling it the Hawkins-Humphrey bill, but fate seems unstoppable. Others who labored as hard and long as Hawkins also ended up something like footnotes to legislative history.

Hartley of Taft-Hartley (labor law); Burton of Hill-Burton (hospital building), Harris of Kefauver-Harris (food and drug law) are three who come to mind.

If that bothers Gus Hawkins, he isn't letting on.

"I put in my bill to deal with jobs and discrimination, but Humphrey and Sen. Jacob Javits [R-N.Y.] had a planning bill in the Senate—they had done the pioneer work—so we joined together," he said the other day.

"I was trying to get a handle to fight discrimination and strengthen the Equal Employment Opportunity Act. But I had to convince others that the issue was much broader than discrimination. Humphrey had pretty much the same ideas. We discussed it and decided the job problem had been handled too much on a Band-Aid basis."

The result is a bill that directs the President and Congress to establish programs and



policies to achieve full employment, while combatting inflation and job discrimination.

It has been controversial, a subject of debate in the 1976 presidential campaign but now, in revised, watered-down form, has wider support as a policy measure.

"I am hoping for a final vote in the House by March 1," Hawkins said. "The debate is going to be heated. Policy is always controversial and it should be debated. But that is how you commit the country to a policy."

The whole idea, as Hawkins sees it, is that none of the big problems—housing, health care, equal opportunity—will be settled until everyone who wants to work can do so.

Hawkins could make his crusade a parochial crusade, with unemployment in Watts running to 15 percent and youth unemployment at least 60 percent, but solutions will not come that way.

"I think our bill presents the soundest way of dealing with the issues of my district and the country, because they all fit a pattern," he said.

"Race is just not an issue where I am concerned. I don't think I represent black people. I am not considered a black leader and I don't seek that type of role. I feel I am here fighting for issues, causes, principles."

He continued: "Racializing an issue defeats my purpose—which is to get people on my side. Blacks might profit from it, but it affects all people in the country. A job is a right in this country and we are trying to see that everyone who is willing and able can work."

Hawkins is a short, bald, trim man who looks a little like everyone's favorite uncle. He is 70 but he works with the energy of a man of 50. He smiles quickly, closes his eyes thoughtfully before answering a question, keeps his voice low.

After his father lost his shirt in the Depression, Hawkins took a Works Progress Administration job and mixed sodas to pay his way through the University of California at Los Angeles.

The Depression got him interested in politics, so he ran for the California legislature in 1935—a relatively poor, unknown Democrat in a Republican district. He was elected and he has been in public office since, which may make him the country's most experienced black legislator.

Hawkins' popularity is obvious. He was unopposed for re-election in 1974. In 1976 he won 88 percent of the vote in his south Los Angeles district.

Not long after he got to Congress, Hawkins achieved a mark that he'd like to be remembered for—the incorporation of his fair-employment bill as Title VII of the Civil Rights Act of 1964.

Hawkins finds some amusement in the confusion that his light skin color causes. He often is mistaken for white, putting him in situations where deprecating remarks are made about blacks. Some unknowing whites—and blacks, as well—are curious about his devotion to minority issues.

"He is so solid, just so determined, believing in what he's doing," said Carl Holman, president of the Urban Coalition, "that he's like water dripping against a stone."

The time it takes to get things done in Congress is what bothers Hawkins most about the place, his staying power notwithstanding.

"I get impatient with the process because I think of the damage done in the meantime. We've been on this bill since 1973. But the damage to millions of individuals who are unable to find work is irreparable. You can't repair that damage and that bothers me very much," he said.

But Hawkins stays right after it, a quality that never fails to impress. Arnold Packer, an assistant secretary of labor who has gone head-to-head with Hawkins on the jobs bill and welfare revision, expressed it this way:

"He is a very serious legislator with per-

sistence to stay with an issue. He is a hard negotiator, but nobody ever goes away mad. He's fair and he's looking for a solution—not a political advantage."

Which isn't a bad way for a politician to be remembered.

## RHODESIA

Mr. HATCH. Mr. President, last week Prime Minister Ian Smith and three of the black moderate leaders worked out an agreement toward black majority rule for Rhodesia. While there are still many things to be worked out and many experts close to the scene have many doubts as to whether the agreement will last, it should be kept uppermost in mind that this is the first solid attempt to bring majority rule to Rhodesia. Unfortunately this agreement, the Salisbury Settlement, did not meet with the approval of United Nations Ambassador Andrew Young. He immediately refuted the agreement, claiming that it had "created a black on black civil war." He has steadfastly refused to acknowledge any settlement that fails to include the radical leaders of the Patriotic Front. This group, based in two neighboring countries and backed by Communist financing, has vowed to continue the fighting until Ian Smith is removed from any government position. Both of the leaders of the Patriotic Front, Joshua Nkomo and Robert Mugabe have indicated that they will not accept any settlement that fails to give them control over the Rhodesian Government security forces. Anyone that has control over the military in such a fragile government would surely have the ultimate control of that government.

Bishop Muzorewa, one of the leaders of the moderate black groups, is acknowledged to have the largest number of supporters among the black community in Rhodesia. He has been a strong advocate for a peaceful settlement, one that will permit Rhodesia to continue as a multi-racial community and bring about the abolition of a white supremacy within the government.

This is the proper way to approach the problem and one that will ultimately be successful if allowed to develop. What the people of Rhodesia do not need is for the governments of other nations to try and foist an agreement upon them. Ambassador Young has attempted to do just that with his continued barrage against the government of Ian Smith. His support for the Communist-backed Patriotic Front is an affront to every person living in a free society. Since the administration has not seen fit to "muzzle" his uncontrolled rantings, his statements appear to be the policy of the administration. In last Friday's Wall Street Journal an editorial appeared that called on the administration to curb the tongue of Ambassador Young and another editorial appearing in Sunday's Washington Star asked the question of whether Ambassador Young is running a one-man show on U.S. African policy. I ask unanimous consent that these informative and timely editorials be printed in the Record.

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

## AFRICAN POLICY REVEALED

The Carter administration's African policy stands revealed in all its splendor in UN Ambassador Andrew Young's remarks on the tentative settlement between whites and black moderates in Rhodesia. The only route to peace, the ambassador seems to believe, is to turn the continent over to the most radical possible blacks and their Cuban and Soviet sponsors.

The white Rhodesian government of Ian Smith has just negotiated a democratic constitutional framework with three black moderate leaders, including Bishop Abel Muzorewa, who is generally conceded to have the largest political following among Rhodesia's blacks. The framework provides for a black political majority while reserving a block of parliamentary seats for whites. It is of course a great tragedy that the white Rhodesians could not move themselves to similar generosity five or 10 years earlier, before bitterness deepened and armies took the field. As an empirical fact, as our Mr. Leger reports nearby, today's odds are against the settlement sticking.

It is quite another question, though, whether U.S. policy should try to make this kind of settlement work, or try to torpedo it. A State Department spokesman refused "to doom anything in advance." But apparently this word did not make it from Foggy Bottom in Washington to the UN mission in New York, and Ambassador Young characteristically blurted out exactly what was on his mind.

"What you have done is not a settlement but created a black on black civil war," Mr. Young told a hurriedly assembled press conference. He said he saw little chance that an internal settlement would be recognized by the United States or others, and that no resulting government would get financial help from the U.S. or the rest of the world, let alone military help against Patriotic Front guerrillas. The reason the settlement would "create" a new war, he said, is that there is "evidence that there would be a massive commitment of Soviet weapons" to help the guerrillas overthrow a black-majority government. The parliamentary settlement, he complained, "does not address the issues that have some 40,000 people fighting."

Well of course. A democratic constitution is the last thing on the minds of those 40,000 guerrillas and their arms suppliers and advisers. They are fighting not for parliamentary niceties but for power. If the recent history of other African nations is any guide, indeed, they are interested in dictatorial government, the first victim of which is likely to be not Mr. Smith but Bishop Muzorewa.

Of course, too, the Soviets and Cubans will intervene to widen the fighting, as they did in Angola and are doing in Ethiopia. It is all clear, except for one puzzle. How does an American Ambassador to the United Nations come to blame the fighting not on the parties supplying the arms and doing the shooting, but on the parties trying to negotiate a democratic constitutional framework?

In answer to this puzzle, we offer one hypothesis: Ambassador Young's position has nothing to do with Africa and everything to do with American domestic politics. To reap domestic political benefit from the African issue, you have to be against the white racists. So long as the whites suppress all blacks, you have the luxury of supporting the black moderates. But if the whites and the moderates start to come to terms, to oppose the white racists you have to start also opposing the black moderates. You have to start supporting the black radicals. At the end of the day, in order to demonstrate your opposition to the racists you end up supporting the Russians.

For those who insist on viewing African policy in terms of the U.S. civil rights struggle, we offer one way to look at what

Ambassador Young and current U.S. policy are doing in Africa. They are writing off the National Association for the Advancement of Colored People and the Southern Christian Leadership Council because they negotiate with the establishment, and instead are throwing support to the Black Panthers and Blackstone Rangers.

#### RHODESIA AND MR. YOUNG

Our United Nations ambassador, Mr. Andrew Young, says that the so-called "internal" solution for majority rule in Rhodesia could spark a "black on black civil war." That is a possibility, especially if Mr. Young continues to sound his pessimistic note and his gloomy prophecies become self-fulfilling.

Mr. Young, for reasons he alone knows, believes that the guerrilla forces operating from Rhodesia's neighboring states must be included in any durable regime. Their co-operation would help, of course, and Ian Smith seeks it on reasonable terms. But their ambition is essentially rule or ruin, their co-operation unlikely.

Mr. Young has had an unusually free hand to speak for the United States on the delicate issues of Southern Africa. In keeping—perhaps—with his feckless view that Cubans are a "stabilizing force" in Angola, he has aligned U.S. policy with the Soviet- and Chinese-supported guerrillas of the Patriotic Front and their hard-line attitudes.

He and Dr. David Owen, the British foreign secretary, have tried to talk the Patriotic Front leadership into a more conciliatory attitude; but so far without result. They have produced no born-again revolutionaries.

While the terms for majority rule in Rhodesia were under negotiation, as they have been since November, Mr. Young's personal—some would say eccentric—diplomacy may have been defensible in a way. Keeping one foot in the guerrilla camp may have added some pressure on the white Rhodesian regime to come to terms.

But now that there is agreement between Prime Minister Smith and three prominent blacks—an agreement looking to a reasonable and workable transition to majority rule—it is time to call Mr. Young from left field. His one-man policymaking will no longer do.

The reason is simple. In the coming weeks, if all goes well inside Rhodesia, the U.S. must make a crucial choice. We must choose between supporting and welcoming the new Rhodesian government, lifting economic sanctions against it, maybe even giving it military assistance to resist the assault of Soviet- and Chinese-supported guerrillas, and Mr. Young's obstructive and unreasonable alternative.

Since the Patriotic Front flatly refuses to cooperate in a Rhodesian settlement which it cannot dominate, the Young policy could put us in league with the outside spoilers—against the internal peacemakers—even after elections, even after a government is formed, and even, conceivably, after the new regime has been endorsed by the British government. Not even Dr. Owens clings, as does Mr. Young, to the stubborn view that an internal settlement is necessarily unworkable.

The obvious question, then: Is Ambassador Young alone to run a one-man show on American policy in Southern Africa? Or will his superiors at the White House and the State Department insist, as they should, that American policy is too important to be tied to the whim of one official?

The new arrangement between Prime Minister Smith and the black moderates of Rhodesia demands at least open-mindedness on our part. If that arrangement proves fair and workable, if it is sustained by fair elections, the U.S. will have no choice consist-

ent with our own political values but to endorse, welcome and assist it. If the Russians and Chinese and Cubans conspire to try to overthrow the new regime, we should see that the Rhodesian army has the means to defend the country.

That means Mr. Young must be weaned from his infatuation with the guerrillas. The weaning is already overdue.

#### GRIFFIN, MILLIKEN, AND BRICKLEY PROVE THERE IS LIFE IN THE GRAND OLD PARTY

Mr. PERCY. Mr. President, over the Lincoln Day recess heartening news came across the wire services that is a cause for rejoicing for all Republicans and all Americans who want to see a strong two party system with the announcement that our distinguished colleague ROBERT GRIFFIN will seek reelection to the Senate, William Milliken to the governorship, and James Brickley again as Lieutenant Governor. They are a credit to the great State of Michigan, to their party and to the American political process.

I ask unanimous consent that the story in the February 20, 1978 issue of the Detroit Free Press describing this dramatic development be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### THE MAKING OF A GOP "DREAM TICKET"

(By Remer Tyson and Hugh McDiarmid)

The making of the 1978 Michigan Republican ticket began with the Notch Manifesto in the mountains of New Hampshire last October.

It ended last week with a "dream ticket" that Michigan Republican leaders hardly dared think possible until the key pieces were in place.

The ticket has Gov. Milliken running for a third term as governor, former Lt. Gov. James Brickley leaving as president of Eastern Michigan University to become Milliken's running mate again, and U.S. Sen. Robert P. Griffin changing his mind about his announced retirement and becoming a candidate for re-election.

Prospects for the top of the state's Republican ticket were much less certain last October when Gov. Milliken attended a Republican governors conference in Franconia Notch, N.H.

Two members of Milliken's staff, George Weeks and Joyce Braithwaite, went to New Hampshire with Gov. and Mrs. Milliken. State Police Lt. Arlyn Brower, head of the governor's security detail, also went along.

All had planned to return to Michigan by flying to Boston, then to Lansing. But they decided to drive to Boston after the conference so that Milliken, his wife and his aides could talk about his political situation.

Milliken had asked Weeks, his executive secretary, and Miss Braithwaite, his patronage chief, to make a list of the pros and cons for each of his options.

On the last night of the Franconia conference, Weeks and Miss Braithwaite scribbled their thoughts on six pages of a yellow legal pad, a document they labeled the Notch Manifesto.

The handwritten cover page lists them as authors, with Miss Braithwaite's name in huge letters and Weeks' in fine print. The document laid out three options for the governor "Run for the Senate, run for governor or run for cover (retirement)."

The document was used as a basis for discussion as the governor's party traveled in a rented car down through New Hampshire

toward Boston Oct. 4. Lt. Brower rode in another car with a New Hampshire state trooper.

Along State Route 3 they stopped at the Basin, a place where sparkling water splashes through a mountain gap. There they walked in the woods, looked at the fall colors, took photographs and talked politics.

On Weeks' desk in the state Capitol is a color photo of himself and the governor standing beside a stream that day. The woods and water are in clear focus; Milliken and Weeks are shadowy figures.

According to Milliken and Weeks, the manifesto dealt in text book fashion with choices open to Milliken: What would be the results if he did or did not run for governor again? What would it be like being a U.S. senator? How much impact could he have on national Republican politics as either a governor or a senator? What would he do if he chose not to run for office in 1978? Go into foreign service? Start a new business?

No mention was made in the manifesto of any prospects that Milliken, the nation's senior Republican governor from a big industrial state, might have on the Republican presidential ticket in 1980, both Weeks and Milliken said.

"I don't have the fever," Milliken said.

It was only coincidental that the Notch Manifesto was written in the state that holds the first presidential "primary" every four years, they insisted.

The two-hour drive to Boston was all talk, no decisions. Milliken would make those later while walking his dog, Mac, and at the dinner table with his wife, Helen.

About that time, another wheel in Michigan politics was about to make its first turn. A letter to be signed by Michigan's eight Republican congressmen urging Griffin to reconsider his decision to retire was in the making. One of the signatures was that of U.S. Rep. Phillip E. Ruppe of Houghton.

Griffin had walked into the Washington office of one of his aides, James DeFrancis, late last April and handed him a statement saying that the senator would not seek reelection.

DeFrancis was stunned but said, "OK, if you're going to do it, let's do it." DeFrancis started setting up a press conference for April 20 at which Griffin announced that he would retire.

DeFrancis would regret he didn't tell Griffin to wait awhile. But he knew Griffin had been in a depressed state of mind about the Senate for a while.

Griffin had been close to President Ford, and the loss of the White House to Jimmy Carter had cut him off from that power. Griffin had expected to move up from his position as the Senate's Republican whip to Republican leader, but he was defeated in January 1977 by Howard A. Baker Jr. of Tennessee. A politician who loses power sometimes loses his bearing.

By fall Griffin still told colleagues that he would not be a candidate for re-election. But the seed had been planted in his mind that he might make another race. Yet even if he wanted to, he couldn't. His wife, Marge, was head set against another term. Griffin would not make a race without her enthusiastic support.

Milliken had imposed a deadline on himself. He told reporters he would decide by Thanksgiving—Nov. 24, 1977—whether to run for the Senate, for governor or for nothing.

On Sunday afternoon, Nov. 13, Milliken took his West Highland terrier, Mac, for a walk along Old Mission Peninsula, 15 miles north of the governor's home on the west fork of Grand Traverse Bay in Grand Traverse City.

They walked for more than an hour, through the woods, past the lighthouse. He would not run for the Senate, Milliken de-



cided; he would postpone a decision on running for governor.

The next day, he made that announcement at a Lansing press conference. Griffin was surprised and dismayed that Milliken had chose not to run for the Senate.

Milliken and Griffin had grown up in Traverse City politics. They had been back-to-back chairmen of the Grand Traverse County Republican Party. When he announced that he was leaving the Senate Griffin had urged Milliken to run for the seat. At the time, Milliken had not tried to argue Griffin out of retiring, treating, his decision as "personal and private."

Thanksgiving, the Christmas holidays, New Year's, the Rose Bowl and the Super Bowl all but buried the action in the game of politics being played by Republicans in Michigan and Washington. Milliken's indecision on the governor's race froze things there.

But in the Senate race, Republican candidates began jumping in or planning to. They included Lt. Gov. James Damman, Hillsdale College President George Roche and Oakland County Prosecutor L. Brooks Patterson. Griffin had hoped, if Milliken wasn't going to run, that Ruppe or U.S. Rep. Guy Vander Jagt of Cadillac would get in the Senate race. But Vander Jagt took himself out in October. Griffin favored Ruppe's candidacy.

On June 30, Ruppe had chosen a fundraising dinner in Jackson to announce that he would seek re-election to his House seat and not run for the Senate. Toward year end, though, Ruppe made a trip to Japan and Egypt. He had a 40-minute talk with Egyptian President Anwar Sadat. Ruppe began to think he might like to be a senator after all. Politicians can change their minds, as Ruppe was to find out later.

Brickley, a former Detroit city councilman, had been Milliken's running mate in the governor's close victory over Democrat Sander Levin in 1970. At the end of his term in 1975, Brickley decided that he didn't want to sit around as lieutenant governor until Milliken left the governor's office and gave him a shot at it.

So Brickley left politics. He became president of Eastern Michigan. If the governor's office came open, he might run for the Senate seat that Griffin was vacating. He couldn't imagine the circumstances under which he would run for lieutenant governor again.

During the first weeks of this year, Brickley was in the governor's office to talk about an Eastern Michigan project. Milliken raised the question of whether Brickley might agree to be his running mate in 1977.

Brickley said, "Pardon me. You mean as lieutenant governor?" He was trying to make sure the governor wasn't telling him that he wanted Brickley to run for the Senate seat.

No, Milliken said, he meant a running mate as lieutenant governor.

Milliken said he still had not made up his mind. He gave his annual State of the State address June 12, then left with Mrs. Milliken for a vacation at a Rockefeller family resort on Caneel Bay in the Virgin Islands.

While the Millikens played and swam in the Caribbean, Washington was holding special services on Jan. 14 for one of its own—Democratic Sen. Hubert H. Humphrey, who died of cancer. As he attended the memorial service, Sen. Griffin said he recalled Humphrey telling him not long before his death to "run again."

Griffin also was pleased to discover that his wife was having second thoughts about leaving Washington and returning to Traverse City.

Meanwhile, the players were changing. Roche had withdrawn and William Seidman, who had been an economic adviser to President Ford, was getting in.

Then came what is now referred to around the governor's office as "The Week That Was."

No one, not even Milliken, seems to remember the exact moment when he decided to run again. Mrs. Milliken said they sat at the dinner table at the governor's house in Lansing—she thinks it was Tuesday night, Feb. 7—saying, "Shall we do this? Shall we do this? Finally, we said this can be done."

In any event, by all accounts, the governor's office was buzzing on Wednesday, Feb. 8, State GOP Chairman William F. McLaughlin, whose office is across from the Capitol, was in the executive office with Weeks and Miss Braithwaite when Milliken informed them that he was going to see Brickley.

Milliken told Lt. Brower to make arrangements for a motel meeting with Brickley. Brower wasn't going on the trip, so he reserved a room at the Howard Johnson's Motor Inn, 2380 Carpenter in Ann Arbor, in the name of Sgt. Roger Devolder, another member of the security detail.

Brickley had taken his 14-year-old daughter, Kelle, to the office of Dr. Richard Door in Ypsilanti and took the call from a Milliken secretary on the doctor's personal phone.

The governor was on his way. Brickley was given room number 208 at Howard Johnson's. (The \$23.68 bill was later paid from Milliken's personal funds.) As he left hurriedly, Brickley said to Dr. Door, "Remind me to tell you about this call someday."

Milliken and Brickley arrived at the motel almost at the same moment—about 3:30 p.m. A trooper got a room key. Brickley and Milliken went in alone. They talked for an hour and a half. When they parted, another part of the ticket had slipped into place.

Brickley said that Milliken promised him nothing but that both understood Brickley agreed to run as lieutenant governor because he wanted to succeed Milliken. Milliken agreed that Brickley didn't have to leave the college as president until September.

Milliken asked Brickley everything he could think of about his personal life, finances, anything that might be embarrassing. Milliken was thinking: "Is there anything you should tell me?"

Milliken had been surprised by newspaper disclosure of secret land deals in Troy by his 1974 running mate, Lt. Gov. Damman. Milliken doesn't like to be surprised.

Brickley said he was telling all, that he would make public his income taxes. His divorce had been settled without rancor.

Milliken began to move quickly. Weeks, Miss Braithwaite and McLaughlin began to tie down the details of the announcement, while Milliken arranged a noon meeting with Griffin in Washington on Thursday, Feb. 9. A visit to the White House to talk to Jack Watson about urban policy and another stop at the Defense Department would serve as covers. Michigan's governor can't go to Washington without reporters asking why.

Milliken and Griffin met alone in Room 487 of the Hyatt-Regency Hotel in Washington across from the Capitol. They ordered cheeseburgers for lunch from room service.

The governor told Griffin that he was running again and that Brickley was running with him. He asked Griffin to get on the ticket with them. Milliken left thinking that Griffin might do it.

Earlier in the week, Milliken had brushed aside requests from Vander Jagt and U.S. Rep. Garry Brown of Schoolcraft to put Ruppe on the ticket as lieutenant governor to make it easier for Griffin to become a candidate.

Griffin and Ruppe had been friends and colleagues. Milliken and Ruppe had experienced differences over location of the nuclear submarine warning system, Seafarer. In the Upper Peninsula, Ruppe thought Milliken was dragging his feet on stopping Sea-

farer. Milliken thought Ruppe was squeezing him.

Thursday afternoon, Griffin went to see Ruppe to tell him that he was reconsidering. Ruppe had planned to announce for the Senate on Wednesday, Feb. 15. The meeting between old friends was businesslike.

On Feb. 9, Miss Braithwaite attended the premiere of Horold Robbins' "The Betsy" in the Detroit Plaza Hotel. At 10 p.m. she got up and went to a pay phone in the lobby to trigger a conference call among herself, Milliken, back from Washington and now at his home in Lansing, Weeks in the Capitol Park Hotel where he had secreted himself, after returning from Washington, and McLaughlin at his home in Northville.

They made final plans for Milliken's announcement the next morning, Friday, Feb. 10. It was the first time all four had been able to join in a conference call since things began to move so fast. Miss Braithwaite missed the end of the movie, but she heard reviews called in on an adjoining pay phone by reporters for the Detroit Free Press and the Detroit News and listened as a mother chewed out her son for not washing the dinner dishes while she was away.

The big question was how to make the Brickley announcement. They agreed to have Milliken announce that he was running, then spring Brickley from the governor's office for maximum media effect.

McLaughlin normally stands in the back of the governor's press conferences, but on that Friday he stood up front to see the reaction of reporters when Milliken sprang Brickley on them.

Because McLaughlin knows the importance to politicians of television production, he remembers the instant appreciation of the governor's show by TV reporters.

About 2:30 p.m. Saturday afternoon, aide Jim DeFrancis got a call from Griffin. DeFrancis was pasting on cream-colored wallpaper in the hall to his new home in Beverly Hills. He had moved back to Michigan because Griffin wasn't going to run again.

Griffin wanted plane reservations to Michigan for himself and Mrs. Griffin on Sunday, Feb. 12. DeFrancis knew the Senate race was on. The wallpapering was left unfinished, as it still is.

#### THE LATE ALBERT BOUTWELL

Mr. ALLEN. Mr. President, on behalf of myself and Mr. SPARKMAN, as in legislative session I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution which I now send to the desk.

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

The legislative clerk read as follows:

A resolution (S. Res. 399) expressing the condolences of the United States Senate to the family of the late Albert Boutwell, former Mayor of Birmingham, Alabama, Lt. Governor of the State of Alabama, and three-term member of the State Senate of Alabama, and paying tribute to him.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no objection.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. ALLEN. Mr. President, this resolution expresses condolences to the family of the late Albert Boutwell, who was State Senator from Jefferson County

in Alabama, Lieutenant Governor of the State, and mayor of Birmingham; and it pays tribute to Albert Boutwell as a great public servant.

Senator Boutwell, Mayor Boutwell, or Governor Boutwell was my dear friend. I served with him in the Alabama State Senate, and later, while I was Lieutenant Governor of the State, I presided over the State senate of which Senator Boutwell was a member.

His family and my family have been very close, and I feel that Albert Boutwell was the ablest public servant that the State of Alabama has ever had. I think it is entirely appropriate, and I have asked that my colleagues join with me in approving this resolution, and that a copy of the resolution be sent to Mrs. Helen Boutwell.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the resolution.

The resolution (S. Res. 399) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, Albert Boutwell served 12 productive years representing his home county of Jefferson in the Senate of the State of Alabama; and

Whereas, he was elected to the high office of Lieutenant Governor of the State of Alabama, carrying 59 of the State's 67 counties, demonstrating the widespread respect and affection with which he was held by his fellow Alabamians; and

Whereas, he was elected in 1963 as the first Mayor of the City of Birmingham, Alabama, under the mayor-council form of government, taking office during one of the most turbulent periods of that city's history; and

Whereas, as Mayor, he provided moral and physical courage of the highest order to lead his community over the difficult hurdles that faced it as it sought successfully to find peaceful resolution to the massive problems facing its people; and

Whereas, his personal quiet and calm leadership helped lead to agreements that resulted in peaceful cooperation in all of the various phases of community life; and

Whereas, throughout his years of public service he demonstrated himself to be a person of principle and courage, of quiet dignity and unfailing grace; and

Whereas, he was one of Alabama's greatest public servants, always in the forefront of efforts to secure good government, and always having the public interest at heart; and

Whereas, his death leaves a great void in the ranks of those American leaders whose personal integrity, strength of character, wisdom and faith in the system have helped our country to greatness;

Now, Therefore, be it resolved, that the sympathy of the United States Senate be expressed to Mrs. Helen Boutwell and to her sons and daughter on the death of her husband and of their father and to the people of Alabama on the loss of an historic figure.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. ROBERT C. BYRD. I yield.

#### BERNARD V. SOMERS

Mr. STEVENS. Mr. President, it has just come to my attention that today marks the last official day of service for Bernard V. Somers, the Senate Journal Clerk.

"Bernie" as he is affectionately known has a long and distinguished record of service here in the Senate.

On February 5 there was an article in the Pioneer Press in Minnesota, setting forth the story of how he happened to be involved with the Senate and his background in Minnesota. I point out that he has worked for a great many of the Members who served in the Senate, including a former Vice President, as well as former Senator Ed Thye of Minnesota. He has 32 years of Government service, 30 as a Government employee and about 2½ years in the U.S. Marine Corps.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article about Mr. Somers entitled, "A Calumet Irishman." It is a very interesting article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From St. Paul (Minn.) Pioneer Press, Feb. 5, 1967]

#### A CALUMET IRISHMAN—UNSUNG MINNESOTAN HOLDS IMPORTANT SENATE POSITION

WASHINGTON.—Quick now—what's the name of the Minnesotan who has the final say on all official actions taken by the U.S. Senate?

You say Vice-President Hubert Humphrey, because he's president of the Senate?

You've not only got the wrong man—you've got the wrong party. It's not Humphrey but Bernie Somers, a dapper Irish Catholic Republican who came to Washington 20 years ago this month from Calumet, Minn.

Somers is the journal clerk of the senate, and as such, records for posterity all official proceedings of that body.

Before the first session of the 90th Congress ends late this year, Somers will have filled over 1,000 pages of the huge red minutes book in which he records all the senate's legislative action.

And, when questions arise about who did what in the senate, it's Somers' journal that is consulted. The journal takes precedence. And unless Somers has written it down, it just didn't happen.

Somers, who was appointed assistant journal clerk in January, 1953, and was elevated to journal clerk in September, 1964, doesn't take down the vast verbiage of the senate's debate and speeches—that's done by a team of stenographers working in 10-minute shifts, for the daily Congressional Record.

"The proceedings of the senate shall be briefly and accurately slated on the journal," says Somers, quoting from the Standing Rules of the Senate. "I record all bills, votes, messages from the house or the president—all legislative action."

"Last session, I filled 1,180 pages of the minutes book. I write down in an abbreviated longhand in the minutes book and later transcribe it to the official journal."

Because he records the Senate proceedings for history, Somers has to make sure he records them correctly.

"On any motions, you have to be pretty darn careful. But a lot of the motions are quite similar and it makes your job easier."

Has Somers ever incorrectly recorded a vote? "No, thank God," he replied.

Somers finds his work "immensely interesting because it's like feeling the pulse of the nation. Sometimes, however, the job tests his physical endurance. Once, during a filibuster by Oregon's Wayne Morse, he sat at his desk from mid-afternoon until noon the next day.

Somers, who has an assistant who can take over for him in an emergency, has never missed a day of work. Last January, he walked six miles from his suburban Maryland home after the season's biggest snow storm and got a ride the last mile. The senate was in session for four hours that day.

Although a Republican, Somers hasn't been active in politics since 1954. "Since I'm serving 100 senators, I don't take part in partisan politics," he explains. And adds, "I've learned to respect both sides of an issue since I've been here."

Somers enjoys working when Humphrey is presiding. "He's very friendly. He tells stories and kids with all the fellows at the rostrum."

Somers also recalls when Minnesota's junior Democratic senator, Walter Mondale, first presided as a freshman over the senate. "I told him he could be at ease because he had a fellow Minnesotan on hand to help him out."

Somers is hesitant to make any ratings of senators, but he obviously admires senate majority leader Mike Mansfield. "Mansfield's so open, and he's always above board. And there's a lot of respect between him and the minority leader, Sen. Dirksen."

How about the Kennedy brothers? "Well, Teddy doesn't say too much, but Bobby seems to know his way around more."

Asked what one thing impressed him most about operation of the senate, Somers replied, "Politically it's suicide to praise the other side or to praise the legislation of the other side. Sen. Frank Lausche is about the only one who always expresses his views openly."

Somers says it takes "seven years or so" to learn the precedents of the senate. "We're following the same procedures that were used the last 100 years."

Somers, who admits to being "fiftyish", came to Washington in January, 1947, to work for former Minnesota Sen. Joseph Ball. "I only was going to be here for few months," he said.

He worked on a patronage job for Ball until Humphrey defeated him in 1948, and then went to work for former Minnesota Sen. Ed Thye and the Republican national committee. In 1953, he was appointed assistant journal clerk.

Somers graduated from Coleraine high school and Itasca junior college. He is a former Itasca county Republican chairman and was chairman of the state GOP party from 1945 to 1946.

Somers and his wife—he was a marine and she a college student when they met at a USO dance—have four boys and three girls, the oldest of whom is married and has two children.

Somers, whose parents operate a Calumet cafe, started out as a Democrat. He was secretary of the Itasca county Young Democrats from 1933 to 1936, when he resigned rather than support the Farmer-Labor slate. He became active in the Republican party in 1938, campaigning for Harold Stassen, and later served as county, district and state chairman of the Young Republicans.

Somers has maintained close Minnesota ties since coming to Washington. He is a former president of the Minnesota State society as well as the conference of state societies.

Mr. STEVENS. Mr. President, Bernie Somers' contribution to the operation of this institution will be remembered for a long time by those of us who knew him. On behalf of the Members on this side of the aisle, I thank Bernie for all he has done for us throughout the years, and I wish him and his family the very best for the future.

Mr. ALLEN. Will the Senator yield?



Mr. STEVENS. I am happy to.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Alaska for inserting this article into the RECORD concerning our good friend Bernie Somers, who has been Journal clerk of the U.S. Senate for many years. It has been my observation that Mr. Somers has been a distinguished, dedicated, and hardworking employee of the U.S. Senate. He has performed his work well. We have always been able to depend upon the accuracy of his journal. He has been a distinguished employee of the Senate. I join with the distinguished Senator from Alaska in commending Mr. Somers for a job well done over the years and express to him our genuine affection for him and our best wishes to him and Mrs. Somers in his years of retirement.

Mr. STEVENS. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I join Mr. STEVENS and Mr. ALLEN in their compliments and words of praise to Bernie Somers as he prepares to enter into a new career or retirement. My best wishes go with him. He has been a valuable public servant. He has been accommodating, courteous, and understanding in his relations with the Members of the Senate, the officers of the Senate, and the employees of the Senate. We will miss him. We will not forget the fine work he has done.

Mr. GRIFFIN. Mr. President, I want to add my voice to the voice of others who have already praised the work of Bernie Somers. Over the years he has been a very, very dependable officer of the Senate and a friend of all the Senators on both sides of the aisle. The Senate will be different tomorrow without his face. I join in wishing him and his wife a long, healthy, and happy period of retirement whether they live in Ocean City or Florida. They have enjoyed both places. We salute Bernie Somers for the long years of service he has given to the country, and particularly to the U.S. Senate.

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow morning at 9. After the prayer, the following Senators will be recognized, as in legislative session, each for not to exceed 15 minutes: Senators PERCY, MATHIAS, and BAKER, after which there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 o'clock a.m., with Senators permitted to speak up to 2 minutes each during that period. At 10 o'clock a.m., the Senate will go into closed session to further debate the treaties. I do not know how long that closed session will last. It may take all day. Senators may plan their day accordingly.

#### RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate, in executive session, stand in recess until 9 a.m. tomorrow.

The motion was agreed to, and at 6:15

p.m. the Senate, in executive session, recessed until the following day, Tuesday, February 21, 1978, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate February 13, 1978, pursuant to the order of the Senate of February 10, 1978:

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Gloria Cusumano Jimenez, of North Carolina, to be Federal Insurance Administrator, Department of Housing and Urban Development (new position).

##### FEDERAL MARITIME COMMISSION

Leslie Lazar Kanuk, of New Jersey, to be a Federal Maritime Commissioner for the term expiring June 30, 1981, vice Clarence Morse, term expired.

##### OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the board of directors of the Overseas Private Investment Corporation for terms expiring December 17, 1979:

James M. Friedman, of Ohio, vice Gustave M. Hauser, resigned.

Richard R. Swann, of Florida, vice James A. Suffridge, term expired.

##### IN THE COAST GUARD

Rear Adm. John B. Hayes, U.S. Coast Guard, to be the Commandant of the U.S. Coast Guard for a term of 4 years with the grade of admiral while so serving, and

Rear Adm. Robert H. Scarborough, Jr., U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard with the grade of vice admiral while so serving.

##### IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapter 35 and 837, title 10, United States Code.

##### LINE OF THE AIR FORCE

##### Lieutenant colonel to colonel

Aleksich, Bryan, XXX-XXXX  
Apel, Elmer C., XXX-XXXX  
Arthur, Dennis S., XXX-XXXX  
Ayers, Roy E., Jr., XXX-XXXX  
Bailey, Samuel W., XXX-XXXX  
Baltz, Howard B., XXX-XXXX  
Beattie, Sheridan B., XXX-XXXX  
Begue, William J., XXX-XXXX  
Benigno, Caesar J., XXX-XXXX  
Berry, Jack K., XXX-XXXX  
Boiko, George A., XXX-XXXX  
Booth, Billy C., XXX-XXXX  
Boughton, Charles J., XXX-XXXX  
Boyd, Charles A., XXX-XXXX  
Brainin, Howard L., XXX-XXXX  
Braun, Hugh R., XXX-XXXX  
Brenner, Stanley J., XXX-XXXX  
Brown, Gail E., XXX-XXXX  
Buchanan, David L., XXX-XXXX  
Buehler, John R., XXX-XXXX  
Buescher, Norman E., Jr., XXX-XXXX  
Buller, Gerald E., XXX-XXXX  
Burkhalter, Alvie C., Jr., XXX-XXXX  
Cafiso, Matthew M., XXX-XXXX  
Campbell, William J., Jr., XXX-XXXX  
Cargill, Charles R., XXX-XXXX  
Carson, Charles E., XXX-XXXX  
Carter, Thomas M., Jr., XXX-XXXX  
Cate, Joe N., Jr., XXX-XXXX  
Chasteen, Doyle W., Jr., XXX-XXXX  
Childress, Robert D., XXX-XXXX  
Coleman, Charles B., III, XXX-XXXX  
Collisson, David K., XXX-XXXX  
Cook, Carter C., XXX-XXXX  
Corzine, Donald J., XXX-XXXX  
Cox, Robert C., XXX-XXXX  
Craig, Walter P., XXX-XXXX  
Crakes, Patrick J., XXX-XXXX  
Danaher, Jere J., XXX-XXXX  
Dang, Eugene L., XXX-XXXX

Davenport, George R., XXX-XXXX  
Davis, William E., Jr., XXX-XXXX  
Dayton, Alfred B., XXX-XXXX  
Degraw, Barton K., XXX-XXXX  
Dement, Ira III, XXX-XXXX  
Dietrich, Joseph N., XXX-XXXX  
Diller, John C., Jr., XXX-XXXX  
Diuguid, John P., XXX-XXXX  
Ehrenhaft, Peter D., XXX-XXXX  
Elser, Carl H., XXX-XXXX  
Ellis, Ben F. II, XXX-XXXX  
Emery, James L., XXX-XXXX  
Erwin, Ralph D., XXX-XXXX  
Fall, Woodrow T., Jr., XXX-XXXX  
Farha, Henry S., Jr., XXX-XXXX  
Feldman, Alfred A., XXX-XXXX  
Feltel, Gilbert L., XXX-XXXX  
Fitch, Dewey C., XXX-XXXX  
Foley, Charles W., XXX-XXXX  
Folloni, John R., Jr., XXX-XXXX  
Forbes, Forrest S., XXX-XXXX  
Forschler, George P. A., XXX-XXXX  
Fortner, Richard W., XXX-XXXX  
Fox, Harry D., XXX-XXXX  
French, Donald B., XXX-XXXX  
Fried, Meyer Z., XXX-XXXX  
Fritz, Bernard J., XXX-XXXX  
Frye, James H., XXX-XXXX  
Gagliano, Charles J., XXX-XXXX  
Gates, Jackie L., XXX-XXXX  
George, Richard S., XXX-XXXX  
Glahn, Harry R., XXX-XXXX  
Glass, Franklin E., Jr., XXX-XXXX  
Haldeman, Norman J., Jr., XXX-XXXX  
Hand, Donald J., XXX-XXXX  
Harper, William L., XXX-XXXX  
Harris, Martin H., XXX-XXXX  
Hart, Donald C., XXX-XXXX  
Hartman, Roger L., XXX-XXXX  
Haugen, Kenneth R., XXX-XXXX  
Hegland, Leonard W., XXX-XXXX  
Hennessy, John R., XXX-XXXX  
Henry, Eugene W., XXX-XXXX  
Heyner, Franklin R., XXX-XXXX  
Hillman, Richard D., XXX-XXXX  
Hipp, Augustus J., XXX-XXXX  
Hirsch, Harvey C., XXX-XXXX  
Hoback, Harold N., XXX-XXXX  
Horne, Stanley H., XXX-XXXX  
Huber, Johannes H., XXX-XXXX  
Hull, Benjamin C., XXX-XXXX  
Hyland, Patrick F., XXX-XXXX  
Hyman, Julius, XXX-XXXX  
Ingraham, Hubert H., Jr., XXX-XXXX  
Ingram, Bobby F., XXX-XXXX  
Jacobsen, Richard L., XXX-XXXX  
Janover, Lee R., Jr., XXX-XXXX  
Jervay, Annie A., XXX-XXXX  
Johnson, Heinz H., XXX-XXXX  
Johnson, Lester M., XXX-XXXX  
Johnson, Severd V., XXX-XXXX  
Johnston, Thomas D., XXX-XXXX  
Johnstone, Stowell R., XXX-XXXX  
Keefer, James F., XXX-XXXX  
Kegg, Earl C., XXX-XXXX  
Kehaya, Donald E., XXX-XXXX  
Kendall, Andrew W., XXX-XXXX  
Kerschner, Lee R., XXX-XXXX  
Kintigh, Jerry L., XXX-XXXX  
Kirschner, Burton H., XXX-XXXX  
Kliemann, Richard H., XXX-XXXX  
Knazik, Carl W., XXX-XXXX  
Knight, Haven A., XXX-XXXX  
Knight, Montgomery, Jr., XXX-XXXX  
Kornher, Kenneth L., XXX-XXXX  
Kosikowski, Robert E., XXX-XXXX  
Lamorte, Michael W., XXX-XXXX  
Leadbetter, George D., XXX-XXXX  
Lebanoff, Lazarus, XXX-XXXX  
Lemarsal, Robert R., XXX-XXXX  
Lindsey, Robert E., XXX-XXXX  
Little, William B., XXX-XXXX  
Locker, Donald R., XXX-XXXX  
Logan, Kenneth W., XXX-XXXX  
Long, Charles C., XXX-XXXX  
Loughran, Edmund X., XXX-XXXX  
Loveland, Emerson R., XXX-XXXX  
Ludlow, Roger L., XXX-XXXX  
Lyle, Richard W., XXX-XXXX  
Lynch, Donald W., XXX-XXXX  
MacDonald, Leland H., XXX-XXXX

Macko, Charles, XXX-XX-XXXX  
 Manes, Charles H., XXX-XX-XXXX  
 Manning, William S., XXX-XX-XXXX  
 Marcotti, Arthur D., XXX-XX-XXXX  
 Mariutto, Donald V., XXX-XX-XXXX  
 McCawley, Frank X., XXX-XX-XXXX  
 McCloskey, Neal T., XXX-XX-XXXX  
 McDaniel, William B., XXX-XX-XXXX  
 McDonald, Walter G., XXX-XX-XXXX  
 McDonnell, Joseph M., XXX-XX-XXXX  
 McEntee, Jervis W., XXX-XX-XXXX  
 McEwen, John E., XXX-XX-XXXX  
 McFarland, Edward L., XXX-XX-XXXX  
 McHaffie, John C., XXX-XX-XXXX  
 McLean, Bernard B., XXX-XX-XXXX  
 McLean, Horace L., XXX-XX-XXXX  
 McMullen, Robert A., XXX-XX-XXXX  
 McQuade, William J., XXX-XX-XXXX  
 Meldrum, Sterling L., XXX-XX-XXXX  
 Mercer, Robert D., XXX-XX-XXXX  
 Metzger, Robert C., XXX-XX-XXXX  
 Meyer, Marvin C., XXX-XX-XXXX  
 Michener, Richard E., XXX-XX-XXXX  
 Miller, Carl D., XXX-XX-XXXX  
 Mitchell, Albert C., XXX-XX-XXXX  
 Mitchell, Merle F., XXX-XX-XXXX  
 Moeller, Kenneth E., XXX-XX-XXXX  
 Moore, John D., XXX-XX-XXXX  
 Morgan, Billy B., XXX-XX-XXXX  
 Mossman, Frances I., XXX-XX-XXXX  
 Mowry, Charles J., XXX-XX-XXXX  
 Munroe, Donald D., XXX-XX-XXXX  
 Muscatello, Richard W., XXX-XX-XXXX  
 Neel, Robert L., XXX-XX-XXXX  
 Neff, William A., XXX-XX-XXXX  
 Newstadt, Barry B., XXX-XX-XXXX  
 Noell, William C., Jr., XXX-XX-XXXX  
 Oberhelman, Jerry D., XXX-XX-XXXX  
 Olsen, Norman E., XXX-XX-XXXX  
 Olson, Herbert A., XXX-XX-XXXX  
 O'Rourke, Donald J., XXX-XX-XXXX  
 Oswald, Lynn S., XXX-XX-XXXX  
 Parker, Billie H., XXX-XX-XXXX  
 Parks, Anderson H., Jr., XXX-XX-XXXX  
 Parr, Robert W., XXX-XX-XXXX  
 Parrott, Charles R., XXX-XX-XXXX  
 Parsons, Stuart O., XXX-XX-XXXX  
 Pocharl, Thomas R., XXX-XX-XXXX  
 Pundt, Lockett J., Jr., XXX-XX-XXXX  
 Pustilnik, David D., XXX-XX-XXXX  
 Reynolds, Donald E., XXX-XX-XXXX  
 Reynolds, Frank L., Jr., XXX-XX-XXXX  
 Richard, Charles W., Jr., XXX-XX-XXXX  
 Richardson, Howard H., XXX-XX-XXXX  
 Robertson, Richard R., XXX-XX-XXXX  
 Ross, Leslie W., XXX-XX-XXXX  
 Rottas, Raymond G., XXX-XX-XXXX  
 Roxby, William C., Jr., XXX-XX-XXXX  
 Sanders, Corban H., XXX-XX-XXXX  
 Scheer, Roger P., XXX-XX-XXXX  
 Schmidt, Leo C., Jr., XXX-XX-XXXX  
 Schmitz, Francis T., XXX-XX-XXXX  
 Schroeder, Stuart L., XXX-XX-XXXX  
 Schuelke, Charles W., XXX-XX-XXXX  
 Schultz, William P., XXX-XX-XXXX  
 Schweinler, David E., XXX-XX-XXXX  
 Scott, Richard A., XXX-XX-XXXX  
 Sgarro, Rocco R., XXX-XX-XXXX  
 Shaw, John D., Jr., XXX-XX-XXXX  
 Shea, Robert S., XXX-XX-XXXX  
 Simms, Harry A., Jr., XXX-XX-XXXX  
 Singer, Donald M., XXX-XX-XXXX  
 Skill, Nell T., XXX-XX-XXXX  
 Slater, Charles D., XXX-XX-XXXX  
 Smith, David A., XXX-XX-XXXX  
 Smith, James W., XXX-XX-XXXX  
 Smith, Kenneth F., XXX-XX-XXXX  
 Smith, William M., XXX-XX-XXXX  
 Snyder, Harvey L., XXX-XX-XXXX  
 Sokolski, Alan, XXX-XX-XXXX  
 Spagnola, Joseph C., Jr., XXX-XX-XXXX  
 Sorengr, Robert H., XXX-XX-XXXX  
 Soroul, William E., XXX-XX-XXXX  
 Sorull, Joseph E., Jr., XXX-XX-XXXX  
 Stine, Joseph M., XXX-XX-XXXX  
 Stobbs, John D., XXX-XX-XXXX  
 Sult, Robert L., XXX-XX-XXXX  
 Sunshine, Gabriel, XXX-XX-XXXX  
 Tapp, Marshall L., XXX-XX-XXXX  
 Taylor, James L., XXX-XX-XXXX

Taylor, Thomas A., Jr., XXX-XX-XXXX  
 Tayman, Grafton P., Jr., XXX-XX-XXXX  
 Thomas, James P., XXX-XX-XXXX  
 Tom Herbert K., XXX-XX-XXXX  
 Travis, Edward A., Jr., XXX-XX-XXXX  
 Troshynski, Robert H., XXX-XX-XXXX  
 Turner, Eugene B., XXX-XX-XXXX  
 Turner, William J., XXX-XX-XXXX  
 Twitchell, Paul F., XXX-XX-XXXX  
 Ullrich, Thomas W., XXX-XX-XXXX  
 Villarreal, Ysidro, XXX-XX-XXXX  
 Vinson, Norman, XXX-XX-XXXX  
 Voss, Benjamin, XXX-XX-XXXX  
 Waggoner, Raymond C., XXX-XX-XXXX  
 Walker, Frederick D., XXX-XX-XXXX  
 Warntonick, Nicholas A., XXX-XX-XXXX  
 Weber, Melvin B., XXX-XX-XXXX  
 Weisberger, Alan M., XXX-XX-XXXX  
 Wenaas, Gordon J., XXX-XX-XXXX  
 Wicke, Robert J., XXX-XX-XXXX  
 Williams, Gilbert R., XXX-XX-XXXX  
 Wyand, Martin J., XXX-XX-XXXX  
 Yancey, Reuben H., XXX-XX-XXXX  
 Yates, Elwood F., Jr., XXX-XX-XXXX  
 Zimmerman, Carl B., XXX-XX-XXXX

## CHAPLAIN CORPS

Coogan, Roch A. T., XXX-XX-XXXX  
 Dilella, Mario, XXX-XX-XXXX  
 Duckworth, James O., XXX-XX-XXXX  
 Guy Myrwood K., XXX-XX-XXXX  
 Hoffman, Sydney L., XXX-XX-XXXX  
 Kobrinetz, Simeon, XXX-XX-XXXX  
 McGahren, Joseph J., XXX-XX-XXXX  
 Petsch, Joseph P., XXX-XX-XXXX  
 Strobel, Walter R., XXX-XX-XXXX  
 Thearle, Christian J., XXX-XX-XXXX  
 Thomas, Richard H., XXX-XX-XXXX  
 Wingard, William F., XXX-XX-XXXX  
 Worner, George J., XXX-XX-XXXX

## DENTAL CORPS

Cooper, Bobby L., XXX-XX-XXXX  
 Dwyer, Martin J., XXX-XX-XXXX  
 Freedman, Irving, XXX-XX-XXXX  
 Goldstone, Ronald J., XXX-XX-XXXX  
 Silis, Ashley H., Jr., XXX-XX-XXXX

## MEDICAL CORPS

Amadeo, Jose H., XXX-XX-XXXX  
 Bogard, Dorr E., XXX-XX-XXXX  
 Bryson, Michael F., XXX-XX-XXXX  
 Burnell, Ernest L., XXX-XX-XXXX  
 Cock, Thomas C., XXX-XX-XXXX  
 Ellis, John W., Jr., XXX-XX-XXXX  
 Felt, Robert S., XXX-XX-XXXX  
 Ferre, George A., XXX-XX-XXXX  
 Garman, Ray F., XXX-XX-XXXX  
 Hillis, William D., XXX-XX-XXXX  
 Jenkins, Edward R., XXX-XX-XXXX  
 Johnson, Wayne A., XXX-XX-XXXX  
 Jones, Robert T., XXX-XX-XXXX  
 Longo, Michael R., Jr., XXX-XX-XXXX  
 Mathews, Thomas P., XXX-XX-XXXX  
 McClure, James E., XXX-XX-XXXX  
 Moore, Patrick J., XXX-XX-XXXX  
 Olesijuk, Andrew, XXX-XX-XXXX  
 Ransmeier, Robert E., XXX-XX-XXXX  
 Rodi, Alexander E., XXX-XX-XXXX  
 Schaefer, Norman E., XXX-XX-XXXX  
 Skeel, David A., XXX-XX-XXXX  
 Statti, Thomas F., XXX-XX-XXXX  
 Taylor, William M., XXX-XX-XXXX  
 Thomason, Thomas L., XXX-XX-XXXX  
 Trump, David S., XXX-XX-XXXX  
 Vaughn, Clarence B., XXX-XX-XXXX  
 Young, Frank W., XXX-XX-XXXX  
 Yrizarryunque, Jose M., XXX-XX-XXXX

## NURSE CORPS

Footo, Marian F., XXX-XX-XXXX  
 Goldberg, Judith, XXX-XX-XXXX  
 Hollen, Marianne R., XXX-XX-XXXX  
 Irwin, Mary E., XXX-XX-XXXX  
 Koncelik, Joseph F., XXX-XX-XXXX  
 Meadows, Bettie J., XXX-XX-XXXX  
 Miller, Elaine M., XXX-XX-XXXX  
 Mishima, Margaret Y., XXX-XX-XXXX  
 Tumas, Elizabeth R., XXX-XX-XXXX

## MEDICAL SERVICE CORPS

Aramendia, Frank M., Jr., XXX-XX-XXXX  
 Spruelli, Thomas L., XXX-XX-XXXX

## VETERINARY CORPS

Gisler, Donald B., XXX-XX-XXXX  
 BIOMEDICAL SCIENCE  
 Jordan, John T., XXX-XX-XXXX

## IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3303 and 3305:

## ARMY PROMOTION LIST

## To be colonel

Ackerman, Albert A., XXX-XX-XXXX  
 Adams, Basil R., XXX-XX-XXXX  
 Adams, John E., XXX-XX-XXXX  
 Aguanno, Edwin M., XXX-XX-XXXX  
 Albro, Ames S., XXX-XX-XXXX  
 Alexander, Lyle K., XXX-XX-XXXX  
 Andrews, Donald G., XXX-XX-XXXX  
 Archibald, Norman E., XXX-XX-XXXX  
 Austin, Clinton W., XXX-XX-XXXX  
 Austin, Freddie C., XXX-XX-XXXX  
 Babers, Donald M., XXX-XX-XXXX  
 Bachman, Clayton J., XXX-XX-XXXX  
 Badovinac, Nick J., XXX-XX-XXXX  
 Baggett, Ronald L., XXX-XX-XXXX  
 Bailey, Kenneth R., XXX-XX-XXXX  
 Bain, John R., XXX-XX-XXXX  
 Baker, Frank H., XXX-XX-XXXX  
 Baker, Jack E., XXX-XX-XXXX  
 Ballantyne, John L., XXX-XX-XXXX  
 Balzhiser, Robert M., XXX-XX-XXXX  
 Bard, John C., XXX-XX-XXXX  
 Barker, Lyle J., XXX-XX-XXXX  
 Barrand, Kerwood W., XXX-XX-XXXX  
 Basil, Benjamin J., XXX-XX-XXXX  
 Bassham, Archie F., XXX-XX-XXXX  
 Baxter, George M., XXX-XX-XXXX  
 Beaumont, Charles D., XXX-XX-XXXX  
 Bell, Glenn N., XXX-XX-XXXX  
 Belcher, Eugene R., XXX-XX-XXXX  
 Benfer, Richard H., XXX-XX-XXXX  
 Benn, Clark H., XXX-XX-XXXX  
 Bennett, Joseph D., XXX-XX-XXXX  
 Bennett, Willard M., XXX-XX-XXXX  
 Bergquist, Robert L., XXX-XX-XXXX  
 Bickston, Walter J., XXX-XX-XXXX  
 Bilderback, Gerald, XXX-XX-XXXX  
 Blasingame, Josiah, XXX-XX-XXXX  
 Bliss, Donald E., XXX-XX-XXXX  
 Bodine, James F., XXX-XX-XXXX  
 Bonito, Louis J., XXX-XX-XXXX  
 Boose, Gordon D., XXX-XX-XXXX  
 Bournes, William V., XXX-XX-XXXX  
 Bowling, Frederick, XXX-XX-XXXX  
 Bradbury, Donald K., XXX-XX-XXXX  
 Bradley, William C., XXX-XX-XXXX  
 Bramblet, William B., XXX-XX-XXXX  
 Bramlett, James T., XXX-XX-XXXX  
 Branscum, Billy R., XXX-XX-XXXX  
 Broman, Ralph W., XXX-XX-XXXX  
 Brooks, Buford, XXX-XX-XXXX  
 Brooks, Leo A., XXX-XX-XXXX  
 Brown, Dallas C., XXX-XX-XXXX  
 Brown, Ollie, XXX-XX-XXXX  
 Brown, Sam A., XXX-XX-XXXX  
 Browne, Roger J., XXX-XX-XXXX  
 Bryan, Clyde M., XXX-XX-XXXX  
 Buckley, Paul R., XXX-XX-XXXX  
 Bunyard, Jerry M., XXX-XX-XXXX  
 Burbach, Frederick, XXX-XX-XXXX  
 Burbules, Peter G., XXX-XX-XXXX  
 Burns, Joseph C., XXX-XX-XXXX  
 Burns, Paul P., XXX-XX-XXXX  
 Burns, William F., XXX-XX-XXXX  
 Butler, Alman I., XXX-XX-XXXX  
 Butler, Joe C., XXX-XX-XXXX  
 Calhoun, George B., XXX-XX-XXXX  
 Cameron, Duane G., XXX-XX-XXXX  
 Cantrell, Jack R., XXX-XX-XXXX  
 Carr, Robert F., XXX-XX-XXXX  
 Carvell, Richard F., XXX-XX-XXXX  
 Chambers, Andrew P., XXX-XX-XXXX  
 Chancellor, George, XXX-XX-XXXX  
 Chandler, Edwin W., XXX-XX-XXXX  
 Chant, Robert J., XXX-XX-XXXX  
 Chesbro, John S., XXX-XX-XXXX  
 Chritton, William R., XXX-XX-XXXX  
 Churchman, Robert E., XXX-XX-XXXX  
 Cipriano, Alexander, XXX-XX-XXXX



Clark, Robert H., [REDACTED]  
 Coder, John D., [REDACTED]  
 Collins, Franklin W., [REDACTED]  
 Connell, Charles R., [REDACTED]  
 Cook, Larry L., [REDACTED]  
 Cook, Richard R., [REDACTED]  
 Corbin, Delmar L., [REDACTED]  
 Cornell, Robert K., [REDACTED]  
 Cottrell, Walter A., [REDACTED]  
 Courtney, Clemon G., [REDACTED]  
 Creel, Tilford C., [REDACTED]  
 Crook, George R., [REDACTED]  
 Crosby, John S., [REDACTED]  
 Crosman, Clifford A., [REDACTED]  
 Crowell, Howard G., [REDACTED]  
 Cutolo, Edward P., [REDACTED]  
 Daniels, Geoffrey M., [REDACTED]  
 Darden, Fred A., [REDACTED]  
 Darling, Sterling P., [REDACTED]  
 Daschle, Charles L., [REDACTED]  
 Davis, Jack C., [REDACTED]  
 Davis, Jethro J., [REDACTED]  
 Davis, Thomas H., [REDACTED]  
 Davis, Willie L., [REDACTED]  
 Debellus, Charles A., [REDACTED]  
 Dehrkoop, Clinton B., [REDACTED]  
 Deitch, Raymond, [REDACTED]  
 Delamain, Frederick, [REDACTED]  
 Delaney, Robert F., [REDACTED]  
 Demoss, James R., [REDACTED]  
 Deshields, William, [REDACTED]  
 Dewey, Desmond D., [REDACTED]  
 Dewitt, William W., [REDACTED]  
 Dexercarter, Leonard, [REDACTED]  
 Diller, Richard W., [REDACTED]  
 Dinardo, Nicola, [REDACTED]  
 Dirmeyer, Robert P., [REDACTED]  
 Dockler, Gordon S., [REDACTED]  
 Doctor, Henry, Jr., [REDACTED]  
 Doty, Daniel W., [REDACTED]  
 Dowdy, Harry K., [REDACTED]  
 Deher, Henry E., [REDACTED]  
 Drexler, Charles H., [REDACTED]  
 Driscoll, Paul C., [REDACTED]  
 Durbin, James J., [REDACTED]  
 Durkee, Richard Y., [REDACTED]  
 Elliott, Richard L., [REDACTED]  
 Ellis, Alvin C., [REDACTED]  
 Ellison, Henry L., [REDACTED]  
 Eton, Robert M., [REDACTED]  
 Epling, William Y., [REDACTED]  
 Eubanks, James M., [REDACTED]  
 Fair, Cecil G., Jr., [REDACTED]  
 Falter, Vincent E., [REDACTED]  
 Farmer, Douglas H., [REDACTED]  
 Farr, Robert A., [REDACTED]  
 Farrar, John H., [REDACTED]  
 Faulk, Emmett A., [REDACTED]  
 Fernandez, Bobbie B., [REDACTED]  
 Finehout, Arthur W., [REDACTED]  
 Fitzpatrick, William, [REDACTED]  
 Fitzsimmons, Eugene, [REDACTED]  
 Flint, Robert W., [REDACTED]  
 Flynn, Thomas J., [REDACTED]  
 Forman, Robert C., [REDACTED]  
 Fountain, Charles D., [REDACTED]  
 Francois, Frank, [REDACTED]  
 Fuchigami, Harry H., [REDACTED]  
 Fulp, Charles A., [REDACTED]  
 Furlong, George P., [REDACTED]  
 Gabbert, Howard M., [REDACTED]  
 Galloway, Frederick, [REDACTED]  
 Galvin, John R., [REDACTED]  
 Geesey, Edwin P., [REDACTED]  
 Gheen, John W., [REDACTED]  
 Gilbert, Wendell H., [REDACTED]  
 Giles, George R., [REDACTED]  
 Gomez, Robert M., [REDACTED]  
 Goode, Franklin C., [REDACTED]  
 Goodwin, Robert E., [REDACTED]  
 Gorey, Paul J., [REDACTED]  
 Gosney, Robert R., [REDACTED]  
 Grace, William P., [REDACTED]  
 Graham, Tasman L., [REDACTED]  
 Granger, John D., [REDACTED]  
 Grant, Donald E., [REDACTED]  
 Graves, James R., [REDACTED]  
 Gregerson, William E., [REDACTED]  
 Griffin, Richard W., [REDACTED]  
 Grummt, Otto C., [REDACTED]  
 Guenther, Leo A., [REDACTED]  
 Guffey, Howard R., [REDACTED]

Guyton, James S., [REDACTED]  
 Haendle, Karl V., [REDACTED]  
 Haller, Douglas L., [REDACTED]  
 Haney, Kenneth W., [REDACTED]  
 Hannon, Clarence W., [REDACTED]  
 Hannum, David B., [REDACTED]  
 Harmon, Leonard J., [REDACTED]  
 Harron, Dennis J., [REDACTED]  
 Hart, Edward P., [REDACTED]  
 Hart, Franklin A., [REDACTED]  
 Harvey, Alton H., [REDACTED]  
 Hathaway, Warren A., [REDACTED]  
 Hauser, William L., [REDACTED]  
 Hays, James E., [REDACTED]  
 Haywood, Willie M., [REDACTED]  
 Healy, Thomas F., [REDACTED]  
 Hegdahl, James O., [REDACTED]  
 Heiter, James A., [REDACTED]  
 Hess, Carl H., [REDACTED]  
 Highfill, James E., [REDACTED]  
 Hilbert, Donald E., [REDACTED]  
 Hill, Michael E., [REDACTED]  
 Hilsman, William J., [REDACTED]  
 Hilt, George H., [REDACTED]  
 Himes, Todd I., [REDACTED]  
 Hincke, John I., [REDACTED]  
 Hoagland, David C., [REDACTED]  
 Hobbs, Richard W., [REDACTED]  
 Hoey, Stanislaus J., [REDACTED]  
 Hoffert, Charles E., [REDACTED]  
 Hoffman, Howard J., [REDACTED]  
 Holland, David K., [REDACTED]  
 Holland, Leland J., [REDACTED]  
 Holt, Daniel R., [REDACTED]  
 Holton, Stanley E., [REDACTED]  
 Honor, Edward, [REDACTED]  
 Hudachek, John W., [REDACTED]  
 Hugo, Victor J., [REDACTED]  
 Huhn, John N., [REDACTED]  
 Hull, Frederick B., [REDACTED]  
 Hunter, Kelvin H., [REDACTED]  
 Imhoff, Maximilian, [REDACTED]  
 Jackson, James C., [REDACTED]  
 Janairo, Maximiliano, [REDACTED]  
 Jay, James W., [REDACTED]  
 Johnson, Edward K., [REDACTED]  
 Johnson, Harold R., [REDACTED]  
 Johnson, William D., [REDACTED]  
 Jones, Ed E., Jr., [REDACTED]  
 Jones, Richard A., [REDACTED]  
 Jordan, Horace E., [REDACTED]  
 Jorns, Russell L., [REDACTED]  
 Kastner, Joseph H., [REDACTED]  
 Kaue, Kaye D., [REDACTED]  
 Keener, Robert E., [REDACTED]  
 Keiser, Edwin C., [REDACTED]  
 Kelly, Edward J., [REDACTED]  
 Kirk, K. Leslie, [REDACTED]  
 Kitchens, Ernest, Jr., [REDACTED]  
 Klein, William E., [REDACTED]  
 Knoff, Edward M., [REDACTED]  
 Koehler, William F., [REDACTED]  
 Koloski, John J., [REDACTED]  
 Komornik, Ronald G., [REDACTED]  
 Korpai, Eugene S., [REDACTED]  
 Kourakos, George S., [REDACTED]  
 Kowalczyk, Chester S., [REDACTED]  
 Krebs, James M., [REDACTED]  
 Kros, William J., [REDACTED]  
 Lambert, Richard T., [REDACTED]  
 Larkin, Phillip S., [REDACTED]  
 Lassiter, Edward A., [REDACTED]  
 Ledwidge, Augustine, [REDACTED]  
 Lee, William R., [REDACTED]  
 Leighton, James P., [REDACTED]  
 Leiser, Maurice H., [REDACTED]  
 Lemanski, Ronald J., [REDACTED]  
 Leonard Dan S., [REDACTED]  
 Levanger, John C., [REDACTED]  
 Ley, Robert E., [REDACTED]  
 Lilley, Aaron L., [REDACTED]  
 Lillis, Francis X., [REDACTED]  
 Lilly, Richard A., [REDACTED]  
 Littlefield, Richard, [REDACTED]  
 Lloyd, Luther R., [REDACTED]  
 Lockwood, Bill G., [REDACTED]  
 Lowrey, Patrick R., [REDACTED]  
 Luepnitz, Carl A., [REDACTED]  
 Luster, Albert B., [REDACTED]  
 Lykke, Arthur F., [REDACTED]  
 Lynn, Charles T., [REDACTED]  
 Mackey, William C., [REDACTED]  
 Macklin, Joseph D., [REDACTED]  
 Madigan, John J., [REDACTED]

Mallones, John B., [REDACTED]  
 Maloney, James P., [REDACTED]  
 Marcum, Robert H., [REDACTED]  
 Marini, James L., [REDACTED]  
 Marko, George F., [REDACTED]  
 Martin, David C., [REDACTED]  
 Mason, Elijah F., [REDACTED]  
 Mathison, Theodore, [REDACTED]  
 Matsumoto, Glenn K., [REDACTED]  
 Matthews, Lloyd J., [REDACTED]  
 McCarthy, John W., [REDACTED]  
 McCollum, Richard J., [REDACTED]  
 McCormick, Richard, [REDACTED]  
 McGee, Bernard A., [REDACTED]  
 McGee, Carl D., Jr., [REDACTED]  
 McGraw, Russell M., [REDACTED]  
 McKay, William P., [REDACTED]  
 McKee, Richard W., [REDACTED]  
 McQueen, James T., [REDACTED]  
 Meese, John R., [REDACTED]  
 Menetrey, Louis C., [REDACTED]  
 Merklinger, George, [REDACTED]  
 Meyer, Harvey B., [REDACTED]  
 Mikula, Joseph G., [REDACTED]  
 Milani, John A., [REDACTED]  
 Miller, Charles E., [REDACTED]  
 Miller, Harry W., [REDACTED]  
 Miller, James M., [REDACTED]  
 Miller, John T., [REDACTED]  
 Mills, Robert W., [REDACTED]  
 Mino, Paul L., [REDACTED]  
 Mitchell, Frederick, [REDACTED]  
 Momeier, John L., [REDACTED]  
 Moore, George D., [REDACTED]  
 Moore, James E., [REDACTED]  
 Moran, William J., [REDACTED]  
 Mounts, James A., [REDACTED]  
 Nack, Thomas P., [REDACTED]  
 Neal, Charles A., [REDACTED]  
 Nidever, Richard L., [REDACTED]  
 Nix, Eddie M., [REDACTED]  
 Noffsinger, Gordon, [REDACTED]  
 Northcutt, Maurice, [REDACTED]  
 Nosek, George F., [REDACTED]  
 Odom, William E., [REDACTED]  
 Old, William D., [REDACTED]  
 Olesky, William C., [REDACTED]  
 Overholt, Hugh R., [REDACTED]  
 Owei, William R., [REDACTED]  
 Page, Harold R., [REDACTED]  
 Palastra, Joseph T., [REDACTED]  
 Palermo, Frank J., [REDACTED]  
 Palmer, Warren T., [REDACTED]  
 Panzer, Donald P., [REDACTED]  
 Pappageorge, John G., [REDACTED]  
 Parini, Romano J., [REDACTED]  
 Parker, Russell W., [REDACTED]  
 Partridge, Charles, [REDACTED]  
 Passmore, Edwin E., [REDACTED]  
 Pate, Robert I., [REDACTED]  
 Patnode, Clarence A., [REDACTED]  
 Paul, William V., [REDACTED]  
 Pelham, Wendall L., [REDACTED]  
 Penney, Hubert F., [REDACTED]  
 Perkins, Andrew D., [REDACTED]  
 Perry, John W., [REDACTED]  
 Pershing, Jay W., [REDACTED]  
 Peters, Billy, [REDACTED]  
 Petersen, Peter B., [REDACTED]  
 Poel, David J., [REDACTED]  
 Pole, Frederick R., [REDACTED]  
 Poteat, John A., [REDACTED]  
 Powers, George F., [REDACTED]  
 Privette, Jake H., [REDACTED]  
 Quedens, Bernard B., [REDACTED]  
 Ralph, James R., [REDACTED]  
 Ransone, James F., [REDACTED]  
 Reding, Charles H., [REDACTED]  
 Reed, Robert T., [REDACTED]  
 Reese, Mark L., [REDACTED]  
 Register, Benjamin, [REDACTED]  
 Remus, Melvyn D., [REDACTED]  
 Reniker, Gene B., [REDACTED]  
 Resley, Robert D., [REDACTED]  
 Richards, Howard C., [REDACTED]  
 Ridgway, John J., [REDACTED]  
 Ripple, Larry M., [REDACTED]  
 Robinson, Hugh G., [REDACTED]  
 Rose, Harold P., [REDACTED]  
 Rose, Myron W., [REDACTED]  
 Rountree, Herbert A., [REDACTED]  
 Rowan, George R., [REDACTED]  
 Rudd, William C., [REDACTED]

Rue, Norman L., XXX-XX-XXXX  
 Rushkowsky, Edward, XXX-XX-XXXX  
 Ryan, James P., XXX-XX-XXXX  
 Rydel, Albert S., XXX-XX-XXXX  
 Sager, Robert A., XXX-XX-XXXX  
 Schneider, George J., XXX-XX-XXXX  
 Schweikert, Paul, Jr., XXX-XX-XXXX  
 Scott, Charles G., XXX-XX-XXXX  
 Scott, Charles H., XXX-XX-XXXX  
 Scott, Richard L., XXX-XX-XXXX  
 Scott, William T., XXX-XX-XXXX  
 Soovel, James L., XXX-XX-XXXX  
 Serra, Robert R., XXX-XX-XXXX  
 Setzer, Howard L., XXX-XX-XXXX  
 Sewell, William P., XXX-XX-XXXX  
 Shalikashvili, Otha, XXX-XX-XXXX  
 Shallicross, George, XXX-XX-XXXX  
 Shamblee, Curtis G., XXX-XX-XXXX  
 Sharp, Benjamin P., XXX-XX-XXXX  
 Shaw, Donald P., XXX-XX-XXXX  
 Shreves, Charles L., XXX-XX-XXXX  
 Sigler, Nolan M., XXX-XX-XXXX  
 Sink, Herbert T., XXX-XX-XXXX  
 Skeen, Henry G., XXX-XX-XXXX  
 Skibbie, Lawrence F., XXX-XX-XXXX  
 Sloan, James H., XXX-XX-XXXX  
 Smiley, Phillip, XXX-XX-XXXX  
 Smith, Douglas S., XXX-XX-XXXX  
 Smith, John A., XXX-XX-XXXX  
 Smith, Otto B., XXX-XX-XXXX  
 Snyder, Quay C., XXX-XX-XXXX  
 Spain, Harold D., XXX-XX-XXXX  
 Spence, Thomas H., XXX-XX-XXXX  
 Spruill, Joseph L., XXX-XX-XXXX  
 Spry, Alfred E., XXX-XX-XXXX  
 Stallard, James E., XXX-XX-XXXX  
 Stenehjem, George N., XXX-XX-XXXX  
 Stevens, Ronald J., XXX-XX-XXXX  
 Stevenson, Bruce E., XXX-XX-XXXX  
 Stodter, Charles S., XXX-XX-XXXX  
 Stone, Kenneth M., XXX-XX-XXXX  
 Stovall, Don O., XXX-XX-XXXX  
 Stuart, Douglas B., XXX-XX-XXXX  
 Sullivan, Harry E., XXX-XX-XXXX  
 Sullivan, Jerome J., XXX-XX-XXXX  
 Sullivan, Roy P., XXX-XX-XXXX  
 Swanson, Robert L., XXX-XX-XXXX  
 Swaren, John W., XXX-XX-XXXX  
 Templeton, James L., XXX-XX-XXXX  
 Thomas, David L., XXX-XX-XXXX  
 Thomas, John A., XXX-XX-XXXX  
 Thompson, Charles H., XXX-XX-XXXX  
 Thoreson, David P., XXX-XX-XXXX  
 Thornton, James F., XXX-XX-XXXX  
 Thorpe, John C., XXX-XX-XXXX  
 Tigh, Leland F., XXX-XX-XXXX  
 Tobin, Daniel J., XXX-XX-XXXX  
 Toner, Francis J., XXX-XX-XXXX  
 Trowbridge, Clarence, XXX-XX-XXXX  
 Tuten, Jeff M., XXX-XX-XXXX  
 Underwood, Frank E., XXX-XX-XXXX  
 Vaughn, Luther C., XXX-XX-XXXX  
 Vavra, George R., XXX-XX-XXXX  
 Vesser, Dale A., XXX-XX-XXXX  
 Vinson, Newell E., XXX-XX-XXXX  
 Vinton, James N., XXX-XX-XXXX  
 Volpe, Joseph J., XXX-XX-XXXX  
 Vornsand, Glenn E., XXX-XX-XXXX  
 Wagner, Louis C., XXX-XX-XXXX  
 Walter, Francis, Jr., XXX-XX-XXXX  
 Ware, Fletcher K., XXX-XX-XXXX  
 Washer, Robert J., XXX-XX-XXXX  
 Weaver, William J., XXX-XX-XXXX  
 Weathersby, Russell, XXX-XX-XXXX  
 Weaver, Richard L., XXX-XX-XXXX  
 Welch, Gene B., XXX-XX-XXXX  
 Westervelt, John R., XXX-XX-XXXX  
 White, Chad B., XXX-XX-XXXX  
 Wild, Julian S., XXX-XX-XXXX  
 Wilks, Clarence D., XXX-XX-XXXX  
 Williams, James A., XXX-XX-XXXX  
 Willner, Larry E., XXX-XX-XXXX  
 Wilmes, John J., XXX-XX-XXXX  
 Witteried, Peter F., XXX-XX-XXXX  
 Wood, Hector, XXX-XX-XXXX  
 Wright, Elden H., XXX-XX-XXXX  
 Wyatt, James E., XXX-XX-XXXX  
 Zion, Robert B., XXX-XX-XXXX  
 Zugschwert, John F., XXX-XX-XXXX  
 Zurbruggen, Donald, XXX-XX-XXXX

## CHAPLAIN CORPS

## To be colonel

Adickes, Donald K., XXX-XX-XXXX  
 Barry, Raymond E., XXX-XX-XXXX  
 Benton, Homer G., XXX-XX-XXXX  
 Degi, Joseph, Jr., XXX-XX-XXXX  
 Foley, Raymond J., XXX-XX-XXXX  
 Kovacic, Francis, XXX-XX-XXXX  
 Kowsky, John J., XXX-XX-XXXX  
 Lapp, Ernest D., XXX-XX-XXXX  
 Lent, Peter S., XXX-XX-XXXX  
 Moskowitz, Seymour, XXX-XX-XXXX  
 Polhemus, David W., XXX-XX-XXXX  
 Randles, Jack C., XXX-XX-XXXX  
 Reaser, Clarence L., XXX-XX-XXXX  
 Shaw, James E., XXX-XX-XXXX  
 Stevey, John E., XXX-XX-XXXX  
 Tibbetts, Alan C., XXX-XX-XXXX  
 Tupy, Richard R., XXX-XX-XXXX  
 Wright, Wendell T., XXX-XX-XXXX  
 Young, James H., XXX-XX-XXXX

## WOMEN'S ARMY CORPS

## To be colonel

Russell, Marilyn J., XXX-XX-XXXX  
 Williams, Mary R., XXX-XX-XXXX

## DENTAL CORPS

## To be colonel

Baker, Frank L., XXX-XX-XXXX  
 Barnes, George P., XXX-XX-XXXX  
 Bowles, William F., XXX-XX-XXXX  
 Brady, John M., XXX-XX-XXXX  
 Cochran, Robert M., XXX-XX-XXXX  
 DeChamplain, Richard, XXX-XX-XXXX  
 DiPietro, Girard J., XXX-XX-XXXX  
 Fedale, Albert F., XXX-XX-XXXX  
 Genova, James J., XXX-XX-XXXX  
 Hoffman, William, Jr., XXX-XX-XXXX  
 Hutchison, Rowland, XXX-XX-XXXX  
 Johnson, Robert M., XXX-XX-XXXX  
 Miller, Ronald K., XXX-XX-XXXX  
 Mullins, Harold A., XXX-XX-XXXX  
 Newell, Donald H., XXX-XX-XXXX  
 Parker, Warren A., XXX-XX-XXXX  
 Rees, Terry D., XXX-XX-XXXX  
 Staehle, William, II, XXX-XX-XXXX  
 Stoll, Robert P., XXX-XX-XXXX  
 Thomas, Philip C., XXX-XX-XXXX  
 Vanswol, Ronald L., XXX-XX-XXXX  
 Vatrall, John J., XXX-XX-XXXX  
 Webb, Derrill L., XXX-XX-XXXX  
 Williford, John W., XXX-XX-XXXX  
 Zelin, John R., XXX-XX-XXXX

## MEDICAL CORPS

## To be colonel

Birk, Thomas C., XXX-XX-XXXX  
 Canales, Luis, XXX-XX-XXXX  
 Coultrip, Raymond L., XXX-XX-XXXX  
 Fike, Robert H., XXX-XX-XXXX  
 Gunderson, Carl H., XXX-XX-XXXX  
 Herrick, Clyde N., XXX-XX-XXXX  
 Holloway, Harry C., XXX-XX-XXXX  
 Hyland, Eugene P., XXX-XX-XXXX  
 Kleanthous, Costas, XXX-XX-XXXX  
 Meyer, James J., XXX-XX-XXXX  
 Mologne, Lewis A., XXX-XX-XXXX  
 Nelson, Roald A., XXX-XX-XXXX  
 Nowosiwsky, Taras, XXX-XX-XXXX  
 Nuss, Donald D., XXX-XX-XXXX  
 Park, Robert C., XXX-XX-XXXX  
 Pither, James L., XXX-XX-XXXX  
 Reeder, Maurice M., XXX-XX-XXXX  
 Ritter, Richard R., XXX-XX-XXXX  
 Rusinko, Andrew, XXX-XX-XXXX  
 Russell, Phillip K., XXX-XX-XXXX  
 Scheetz, Walter L., XXX-XX-XXXX  
 Stewart, James L., XXX-XX-XXXX  
 Strevey, Tracy E., XXX-XX-XXXX  
 Stuart, Richard B., XXX-XX-XXXX  
 Torp, Richard P., XXX-XX-XXXX  
 Treasure, Robert L., XXX-XX-XXXX  
 Wergeland, Floyd L., XXX-XX-XXXX  
 Whaley, Robert A., XXX-XX-XXXX  
 Winkler, William P., XXX-XX-XXXX

## MEDICAL SERVICE CORPS

## To be colonel

Albertson, John N., XXX-XX-XXXX  
 Brown, Joseph I., XXX-XX-XXXX  
 Bullard, John W., XXX-XX-XXXX

Cabell, Ben M., XXX-XX-XXXX  
 Clark, Scott W., XXX-XX-XXXX  
 Conselman, Charles, XXX-XX-XXXX  
 Copeland, Francis A., XXX-XX-XXXX  
 Girone, Gerard M., XXX-XX-XXXX  
 Herwig, Lee C., XXX-XX-XXXX  
 Hille, Robert A., XXX-XX-XXXX  
 Leone, John N., XXX-XX-XXXX  
 Lewis, John P., XXX-XX-XXXX  
 McWilliam, Robert D., XXX-XX-XXXX  
 Oestereich, Orlyn C., XXX-XX-XXXX  
 Silvernale, Douglas, XXX-XX-XXXX  
 Smith, Creed D., XXX-XX-XXXX  
 Sommers, George A., XXX-XX-XXXX  
 Thompson, Helmer W., XXX-XX-XXXX  
 Wood, Theodore D., XXX-XX-XXXX

## ARMY MEDICAL SPECIALIST CORPS

## To be colonel

Hamilton, Elizabeth, XXX-XX-XXXX  
 MacTaggart, Lois, XXX-XX-XXXX  
 Matthews, Nancy L., XXX-XX-XXXX

## VETERINARY CORPS

## To be colonel

Anderson, Ronald D., XXX-XX-XXXX  
 Chandler, Harold K., XXX-XX-XXXX  
 Dean, Richard F., XXX-XX-XXXX  
 Eddy, Gerald A., XXX-XX-XXXX

## ARMY NURSE CORPS

## To be colonel

Antonucci, Anna E., XXX-XX-XXXX  
 Baker, Evaline R., XXX-XX-XXXX  
 Baskfield, Margaret, XXX-XX-XXXX  
 Cooper, Robbie F., XXX-XX-XXXX  
 Geissinger, Amy D., XXX-XX-XXXX  
 Glisson, Bessie R., XXX-XX-XXXX  
 Rodgers, Elizabeth, XXX-XX-XXXX  
 Simon, Dorothy A., XXX-XX-XXXX  
 Supplee, Jeanne L., XXX-XX-XXXX

Executive nominations received by the Senate February 15, 1978, pursuant to the order of the Senate of February 10, 1978:

## THE JUDICIARY

Ellen B. Burns, of Connecticut, to be U.S. district judge for the district of Connecticut, vice M. Joseph Blumenfeld, retired.

## IN THE AIR FORCE

Gen. William V. McBride, U.S. Air Force, (age 55), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

The following named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066 in grade as follows:

## To be general

Lt. Gen. Alton Davis Slay, XXX-XX-XXXX, U.S. Air Force.

Executive nominations received by the Senate February 17, 1978, pursuant to the order of the Senate of February 10, 1978:

## INTERNATIONAL ATOMIC ENERGY AGENCY

Roger Kirk, of the District of Columbia, a Foreign Service officer of class 1, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

## DEPARTMENT OF THE TREASURY

Evelyn T. Davidson, of Colorado, to be Superintendent of the Mint of the United States at Denver, vice Betty Higby, resigned.

## THE JUDICIARY

Robert W. Sweet, of New York, to be U.S. district judge for the southern district of New York, vice Inzer B. Wyatt, retired.

## DEPARTMENT OF JUSTICE

James V. Serio, Jr., of Louisiana, to be U.S. Marshal for the eastern district of Louisiana for the term of 4 years, vice Ollie Lee Canion, resigned.