SENATE—*Monday, March 8, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

I suggest that we observe a moment of silent prayer for the family of former Senator Clifford P. Case.

(Moment of silence).

Let us pray.

The Lord is gracious and merciful, slow to anger and abounding in steadfast love. The Lord is good to all, and His compassion is over all that is made . . . The Lord is near to all who call upon Him in truth. He fulfills the desire of all who fear Him . . . The Lord preserves all who love Him.—Psalm 145 : 8, 9, and 18–20.

We thank Thee, Lord, for Thine availability. Thou art not a god far off or in hiding. Thou art near to us, nearer than hands or feet. If we reach for Thee, we have already gone too far. Nothing is too hard for Thee, nothing impossible. Thou knowest all things: the thoughts within us, the words unspoken on our tongues, the end of our lives from the beginning.

As Thou dost know us, Lord, in the total context of our being, rule Thou in our hearts today. Preside over the business of the Senate, guide the deliberations to a conclusion which will honor Thee and please Thee. "Hallowed be Thy name, Thy kingdom come, Thy will be done (in the Senate) as it is in heaven. For Thine is the kingdom and the power and the glory." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

JOURNAL

Mr. TOWER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that following the time allocated to the two leaders under the standing order and following the time to be consumed by the Senator from California (Mr. HAYAKAWA) under a special order, the Senate proceed to the morning hour for the consideration of routine business not to extend beyond the hour of 12:30 and that Senators be permitted to speak not more than 10 minutes therein.

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

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I am sure the Senator did not mean to use the words, "morning hour," because that has a special connotation.

Mr. TOWER. Mr. President, a period for the transaction of routine morning business, I should have said.

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

Mr. TOWER. Mr. President, I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting majority leader.

HAPPY BIRTHDAY, SENATOR RANDOLPH

A REASON TO CELEBRATE

Mr. ROBERT C. BYRD. Mr. President, today is a special day in the Senate. On this date in 1902, Senator JENNINGS RANDOLPH was born. Today, Senator RANDOLPH has reached his 80th year, and I know that all of our colleagues join me in wishing Senator RANDOLPH well as he celebrates this milestone in his life and in our own.

Senator RANDOLPH was first elected to Congress in 1932. He served 14 consecutive years in the House of Representatives. During those decisive years—the years of the Great Depression and World War II—JENNINGS RANDOLPH was a close witness to and participant in some of the most dramatic events in modern American history.

In 1958, Senator RANDOLPH was elected to the Senate. He and I, together with some Senators still serving here, have enjoyed rich experiences together in the last two and one-half decades. Throughout that time, I have often been the beneficiary of Senator RANDOLPH's characteristic graciousness and helpfulness, and I have been honored by my close association with him as, together, we have represented the people of West Virginia over these many years.

Senator RANDOLPH has now attained a robust and respected fourscore years. His eight decades have crowned him with wisdom and perception. I am glad today to offer him—on behalf of my wife, Erma, and myself—our wishes for a happy birthday, and a hope that we shall celebrate many more such occasions with him in the years ahead.

Mr. TOWER. Mr. President, I simply wish to add to that tribute of the minority leader my congratulations to the distinguished Senator from West Virginia (Mr. RANDOLPH) on the achievement of his 80th birthday. He is a man of such youthful demeanor and vigorous activity that none of us supposed that he had attained that rather mature age. He does continue to make a substantial contribution to the deliberations of this body and we all wish him well on this important day in his life.

Mr. President, I reserve the remainder of my time. I yield to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would like to join in the congratulations on his birthday to the able and distinguished Senator from West Virginia (Mr. RANDOLPH). Senator RANDOLPH is one of the most unique persons I have had the pleasure of knowing. He is a man of fine intellectual qualities. He has also served in many other capacities. He has served here during the Presidency of Franklin D. Roosevelt and the Presidents since that time. He has had a most interesting life.

I have often wondered if he is not the typical American legislator. He takes a special pride in young people, and I guess that is one reason I am so interested in him, because I am intensely interested in young people, too. He and I have conversed many times about what can be done to encourage and inspire young people.

Mr. President, I am very proud of his friendship. I am proud to serve with him in the Senate, and I wish him a long life of good health and happiness.

Mr. TOWER. Mr. President, I yield 2 minutes to the distinguished Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I think this is indeed a day worthy of commendation of not only the longevity of our colleague, the Senator from West Virginia (Mr. RANDOLPH), but also the outstanding contribution he has made within and without the Senate.

I should like to touch on just one of his many interests. That is the devotion and dedication to his alma mater, Salem College of West Virginia. That, as you know, is one of those unique

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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colleges. It is Seventh Day Baptist in its origins and our colleague is a Seventh Day Baptist. I happen to be Baptist. There is a saying that if you are a Baptist it does not mean very much because there are so many of kinds of Baptists. I think "Mead's Handbook on American Denominations" list 22 varieties of Baptist. That does not include the one that President Truman belonged to. A member of the press asked him one day, "Mr. President, what kind of Baptist are you?" He replied, "I am a bourbon Baptist." That denomination is not listed in the handbook.

Salem is the college where our colleague graduated and as a student, he was elected to the board of trustees. He has served on that board of trustees continuously throughout his years, longer than any other member. I doubt that any other college in America can boast such longevity of one single trustee.

Even though we think of people slowing down as they reach older ages, I was confronted the other day by Senator RANDOLPH, who told me of the financial difficulties that, like many of the liberal arts colleges, his college is in today. He was talking about trying to raise about one-tenth of what they have to raise. He was going out and being personally responsible for raising $50,000 of a $500,000 campaign. That is the kind of energy, the kind of foresightedness, the kind of devotion he has to the younger generation and those students yet to come and matriculate at Salem College.

Mr. President, I want to add my words of commendation and pride to a man who has not only distinguished himself in the Senate but has devoted his life to the educational opportunities of the young people of West Virginia and others who come to Salem College.

Mr. President, we speak today of the long and distinguished service of our colleague, JENNINGS RANDOLPH, in the Congress of the United States. I have done some research, the results of which should help us to understand the tremendous portion of our country's history in which he has been involved. In the 193 years since the Congress was established in its present form, 31 Senators and 43 Members of the House of Representatives served beyond their 80th birthdays. Senator RANDOLPH thus is a member of an exclusive group of men and women who have contributed much in the way of experience and wisdom to the legislative process. It is truly remarkable that of those 74 Members of the Congress, Senator RANDOLPH has served with or known 40.

He is the fourth person from his State to have reached the age of 80 while in office, the others being Senator Matthew M. Neely, Representative Elizabeth Kee, and Representative William E. Neal.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. Mr. President, I wish to add my name to those who are congratulating our distinguished colleague, Senator JENNINGS RANDOLPH, on his 80th birthday. Others have already spoken much of his record and of his friendliness and how grateful we are for his companionship and his collegiality in this body. I should like to add one footnote.

I understand that this is Senator RANDOLPH's 80th birthday. This summer I shall celebrate my 76th, and my doctor tells me, "Keep your weight down, keep your weight down, and you will live long." I look at Senator RANDOLPH, and I think I ought to quarrel with my doctor.

It is a very happy occasion, indeed. I am glad to see that he is in such excellent health, despite the fact that he disobeys the injunctions at least of my doctor. I do not know what kind of doctor he has.

Mr. BAKER. I want to join my colleagues in expressing my very best wishes to the senior Senator from West Virginia on the occasion of his 80th birthday. Senator RANDOLPH has pointed out that he is the 31st Senator to serve in the Senate beyond the age of 80, and I just want to tell him that may be so, but he is clearly the youngest of that entire group.

Throughout my 15 years in the Senate, Senator RANDOLPH has been more than just a colleague. He has been a teacher, a partner, and above all, a friend.

The privilege and indeed, the pleasure of serving on the Environment and Public Works Committee with Senator RANDOLPH, and the opportunity to accompany him on visits to Salem College remain among the most unique aspects of my legislative career, and I want to take this opportunity to congratulate the Senator on his remarkable milestone.

DEATH OF FORMER SENATOR CASE

Mr. BAKER. Mr. President, this past weekend, America lost a dedicated public servant, and I lost a trusted friend. Throughout his distinguished service in the U.S. Senate, Clifford Case brought honor and excellence to the Senate and to the Nation. I, along with my colleagues who were fortunate enough to serve with Senator Case, have long admired him and will dearly miss him.

ETHICS

Mr. BAKER. Mr. President, this week's poem is entitled "Ethics," and was written by Linda Pastan. I believe the timely words speak for themselves.

ETHICS

(By Linda Pastan)

In ethics class so many years ago
our teacher asked this question every fall:
if there was a fire in a museum
which would you save, a Rembrandt painting
or an old woman who hadn't many
years left anyhow? Restless on hard chairs
caring little for pictures or old age
we'd opt one year for life, the next for art
and always half-heartedly. Sometimes
the woman borrowed my grandmother's face
leaving her usual kitchen to wander
some drafty, half-imagined museum.
One year, feeling clever, I replied
why not let the woman decide herself?
Linda, the teacher would report, eschews
the burdens of responsibility.
This fall in a real museum I stand
before a real Rembrandt, old woman,
or nearly so, myself. The colors
within this frame are darker than autumn,
darker even than winter—the browns of each,
though earth's most radiant elements burn
through the canvas. I know now that woman
and painting and season or almost one
and all beyond saving by children.

ORDER OF BUSINESS

(The following statement, which was made later in today's proceedings, is printed at this point in the RECORD by unanimous consent.)

AMERICAN TROOPS AND EL SALVADOR

Mr. ROBERT C. BYRD. Mr. President, later today, I shall introduce legislation requiring the President to get specific authorization from the Congress before introducing U.S. combat forces into El Salvador.

My legislation amends the War Powers Act which presently allows the President to introduce troops into a foreign conflict for 60 days if he notifies the Congress in writing within 48 hours of such a commitment. The legislation would retain Presidential flexibility by allowing combat forces to be sent to El Salvador in those cases where they are needed to protect, and assist in the evacuation of, American citizens, or to protect the territorial integrity of the United States.

It is my view that before we proceed any further, all Americans need to debate and evaluate fully the nature of our role in El Salvador.

I am taking this step now because of my growing concern over what I perceive to be an escalation of administration rhetoric and an escalation of administration involvement in that Central American country. The following are some of the recent events which have given me pause and led me to take a critical look at the nature of our involvement.

In March 1981, the administration asserted the following in the State De-

partment's submission to the Senate Committee on Foreign Relations as to the applicability of the war powers resolution to El Salvador: The war powers resolution did not apply to U.S. military advisers sent to El Salvador because, contrary to that resolution, first, these personnel were not equipped for combat; and second, they had not been introduced into hostilities or situations of imminent involvement in hostilities.

The administration asserted at that time that U.S. personnel would carry only personal sidearms for self-defense. They also mentioned that the level of fighting had receded since the January 1981 guerrilla offensive.

It is obvious that the situation has changed dramatically since the administration last reported to the Congress.

The New York Times, reporting on February 20, 1982, quoted Secretary of State Alexander Haig as saying that M-16's, a basic combat weapon, would be far more reassuring for U.S. forces. He stated further that U.S. forces in El Salvador needed M-16's because they were operating in an unpredictable guerrilla environment.

In the same edition of the New York Times, Secretary of Defense Caspar Weinberger, in justifying the carrying of M-16's by our military advisers, was quoted as saying:

> Trainers down there have to have some kind of personal protection.

The public remarks followed the airing of a Cable News Network film clip on February 11, 1982, showing U.S. military advisers equipped with M-16's, walking through an area recently recaptured from guerrilla control.

There have been emanating from our military leaders expressions of growing alarm over the armed conflict in El Salvador. Gen. Wallace Nutting, the head of U.S. Southern Command in Panama, recently in El Salvador, was quoted as saying that the United States would have to rethink its current policy of not allowing U.S. advisers to accompany Salvadoran soldiers on combat missions. General Nutting also stated:

> There is no quick or easy or cheap solution to the challenge. * * * Beyond that, no one knows.

On February 28, the New York Times quoted a high administration official to the effect that the President's senior advisers were not optimistic about the Salvadoran Government's ability to achieve a military victory over the rebels.

Finally, at the behest of my distinguished colleague, Senator BIDEN, on March 1 the minority staff of the Senate Foreign Relations Committee confirmed from the Pentagon that U.S. forces in El Salvador were receiving regular hostile fire pay.

Looking at the trend implicit in these events, I am led to the conclusion that now is the time to undertake a full debate on this issue, no matter how remote the possibility might be that the President would feel compelled to commit U.S. troops to El Salvador.

In this regard, I have also asked that an independent study and analysis be conducted by the Intelligence Committee of all the available intelligence information concerning Central America. As I indicated in my request to Senator MOYNIHAN, I think it would be useful for the Senate to receive the committee's own expert assessment of the situation, especially regarding Soviet and Cuban plans, intentions, and activities with respect to El Salvador.

There is growing concern in America over the direction of the administration's policy in El Salvador. We are becoming more and more deeply involved in a country whose history we are not very familiar with and whose culture we do not fully understand. And we know from experience the difficulty in using a foreign military presence to impose a political solution in such a situation. By moving incautiously, we run a great risk of creating a divisive debate which could once again rip the fabric of this country apart.

Before we have committed ourselves to such an extent—and I am not saying we should commit ourselves or we should not. I am not voicing any opinion on that matter whatsoever at this time. I am simply saying that Congress ought to be brought into the debate, ought to be brought into the dialog, and that Congress should fulfill its role under the Constitution and should be required to authorize such involvement before such involvement could go forward.

It is my hope that this legislation will insure a full debate before we have committed ourselves to such an extent. I feel this is a necessary step because the administration has not clearly presented a well-defined strategy in pursuit of clear and agreed upon objectives. The Congress has yet to be presented with evidence as to the risks to be accepted or the resources to be expended in the long run, for what could be essentially an open-ended commitment.

The policy we finally choose will only succeed if there is a national consensus in support of that policy. The only way to insure that we will choose the wisest course of action for our Nation is for the Congress to first exercise its responsibility under the Constitution.

The Congress is vested with the war-making powers of our Government. The Founding Fathers in their wisdom established a system of checks and balances to insure, to the extent possible, that the interests of the Nation were protected. It is my belief that in a matter as serious as this, the executive branch must be able to make a very compelling case and that it is our constitutional responsibility to err on the side of debate and caution before we are confronted with a situation that could cost us so dearly in money, national unity, and the spilling of American blood in the jungles of El Salvador.

The War Powers Act, as it now stands, does not address the issue before us. It requires the President to notify Congress within 48 hours of introduction of U.S. combat forces into a foreign country. Congress then has a 60-day period in which to either declare war or pass a concurrent resolution forcing a withdrawal of U.S. forces.

If one has to balance the risks, I see far worse consequences flowing from an introduction of U.S. combat forces into El Salvador, which the Congress then has to overturn by concurrent resolution.

Therefore, if one would argue that my legislation would be foreclosing one of the options available to the President, I would argue that there would be far greater damage to the President and to the national interest, if the scenario I just outlined were to occur.

It is my hope that the legislation I am offering today will receive additional cosponsors; that it will open up debate that will insure Congress constitutional responsibilities to be carried out fully; and, finally, that a full discussion will lead to policies the American people can support. I am serious in presenting this legislation and I hope its enactment will ensue. To do less would be to forfeit our responsibility under the Constitution.

Mr. President, I thank the Chair and I yield the floor.

ACTIVATION OF SECOND KC-10A UNIT AT MARCH AIR FORCE BASE, CALIF.

Mr. HAYAKAWA. Mr. President, last month, the Air Force announced its proposal to activate its second KC-10A unit at March Air Force Base. I also was pleased to learn that the Air Force Reserve plans to establish an associate KC-10 unit at this base to provide additional support personnel. The KC-10 aircraft is vital to our Nation's military objectives. Therefore, it is crucial that adequate military staffing be maintained. This certainly bears out the Joint Chiefs of Staff's statement that the Selected Reserves provides a significant portion of the fighting capability of the armed services.

The concept of Reserve associate units has been successful in the past. It was first established in 1968 for the strategic airlift—C-5 and C-4. The idea was then incorporated into the first KC-10A unit at Barksdale Air Force

Base in Louisiana. The new program will consist of about 150 members in the KC-10A Reserve associate squadron working side by side with crews flying the same Active Force aircraft. Active Force personnel will provide flight line maintenance, while intermediate and depot level maintenance and supply responsibilities will be performed under contract. Active duty personnel will begin arriving at March Air Force Base in mid-1982 and the associate Reserve unit would be activated near the time of the first KC-10A arrival at the base later this year.

I repeatedly expressed my strong support of the procurement of the KC-10 aircraft during the Department of Defense's review. Adequate and experienced personnel are necessary for efficient operation of the aircraft and the establishment of an associate KC-10 unit at March Air Force Base will be a much welcomed and needed addition.

CASE OF IDA NUDEL

Mr. HAYAKAWA. Mr. President, I recently cosigned a letter with several of my colleagues to Soviet Ambassador Anatoly Dobrynin expressing our desire that Ida Nudel, a Soviet refusenik, be allowed to emigrate to Israel now that she has completed her 4-year sentence of exile in Siberia.

Ida Nudel, a heroic fighter for human rights, has repeatedly been denied permission to emigrate to Israel and join her only living relatives. She first applied for permission to emigrate in 1971 with her sister, Illana. Illana received permission, Ida did not. In 1978, after a frustrating 7 years, Ida joined a protest of women dissidents by displaying a banner from her balcony which read, "KGB, give me my visa." She was subsequently arrested and exiled to the remote Siberian village of Kirovsheino. As Senators know, conditions are such that daily life is almost unbearable, and as a result Ida's health has deteriorated severely. In addition, local citizens abuse her almost daily for being an exile in Siberia.

Ida has devoted her life to the plight of Jewish political prisoners throughout the Soviet Union, and has earned the title of "Guardian Angel of the Prisoners of Conscience." Reports of her work and dedication have circulated throughout the world and serve to inspire others who find themselves in similar situations. I offer my sincere appreciation for her work and heartfelt sympathy for all she has had to endure for her cause.

The Soviet Union is a cosignatory of the Final Act of the Conference on Security and Cooperation in Europe signed in 1975. This document expresses humanitarian concerns such as the freer movement of people, ideas, and information; family reunification and visits; binational marriages; travel; access to printed, broadcasted, and filmed information; improved working conditions for journalists; and increased cultural and educational exchanges. Signatories of the act are committed to respond in a positive and humanitarian spirit to persons who are seeking to emigrate and rejoin their relatives. It is with this act in mind that I request the Soviets to honor their commitment and allow Ida Nubel to emigrate to Israel.

ALLEVIATION OF HUNGER AND MALNUTRITION

Mr. HAYAKAWA. Mr. President, through my duties on the Senate Agriculture Committee, I have become aware of the many problems faced today by our Nation's farmers. The most ironic of these is the large number who are being hurt by the low prices of overproduction, while so many people in the world are afflicted by hunger.

At this very moment, 800 million people suffer from hunger or malnutrition. Over 50 percent of the people who die from starvation are children under the age of 5. Through the use of recent studies, the World Bank estimates that the number of malnourished people in the Third World will more than double between the years 1980 and 2000. This would result in a devastating total of 1 billion starving persons. In fact, it has also been estimated that over 12 million children died from malnutrition last year alone.

To balance the food needs of the Third World and their actual imports, a gap of over 44 million tons of grain a year would have to be filled. This projection takes into account that developing nations can only import 50 percent of their actual food needs due to the enormous cost of food and transportation.

There has been much discussion concerning S. 1675, the African assistance and global security bill. Although I agree with much of the intent and many of the provisions of this legislation, I have not cosponsored it because I believe portions cut across existing lines of authority in both the Agency for International Development (AID) and the Department of Agriculture. At a time when we are trying to decrease the size of the Federal Government, legislation which would duplicate existing programs is unnecessary.

We must not forget, however, that the United States has already made significant efforts in the war against hunger. All Americans should be proud of the progress that has been made in agricultural development and related forms of economic assistance.

The Department of Agriculture, under Public Law 480, the Agricultural Trade Development and Assistance Act of 1954, directs its efforts toward meeting the needs of developing nations as a whole. Through the Public Law 480 program, agricultural commodities are procured and exported to combat hunger and malnutrition, and to encourage economic advancements in the developing countries. We should all be proud of that great piece of legislation.

AID, on the other hand, focuses its development assistance programs on those critical problem areas that affect the majority of the people in the developing countries. It works to alleviate hunger and malnutrition through programs designed to increase the productivity and income of small farmers. Over the years, the Agency has sent hundreds of agriculturalists—including agronomists, project managers, livestock and extension advisers, irrigation experts, and so forth—to developing nations to help with their nutrition and food production. These agriculturalists came from the private sector and have joined in working with the Peace Corps and various privately funded organizations.

The Agency initiated a self-help project in the Mahawili Basin in Sri Lanka by providing a loan to help finance a new land irrigation project. This project directly benefits 15,300 small farmers and homeless families through technical assistance, marketing services, and the provision of fertilizer and seed. In another project, AID and the farmers in Nepal are working on a cereals program. Ninety-five percent of the people in Nepal depend on their own domestic agricultural production for their survival, and together, our two nations are working to produce the technology that best suits this Asian country.

However, we must also be aware that problems exist in implementing any plan aimed at alleviating world hunger. The causes of hunger are complex and have economic, political, social and cultural dimensions. Solving the worldwide problem is equally complex, involving not only increased food production, but the need for higher incomes, and better nutrition and health. Population growth and resource management are also part of hunger's equation.

Although the United States is viewed as the richest country in the world, our ability to assist developing nations has been compromised by the enormous economic problems we ourselves face. America will be in a much better position to provide the aid developing countries need when our own economic house is put back in order, our interest rates reduced, and our national security restored. The current state of the American economy always has an enormous effect on our ability to help the developing countries.

I believe our Nation should strive for two basic objectives in solving the problem of world hunger:

First. Provide food aid and methods that reduce the rate of population growth in the Third World countries. There is little hope for the poor in these nations due to a lack of fertile land and natural resources; and

Second. Pursue two proposals for solving the hunger problem in those Third World nations where natural resources do exist; lessening trade barriers in order to promote free enterprise, private investment, and a generally healthy economic climate; and sending voluntary American agricultural experts and farmers from the private sector to teach proper farm methods for the development of self sufficiency.

Incredibly enough, the Third World contains 70 percent of the world's arable land. Therefore we must assist these developing countries in their efforts to become self-sufficient. By providing for their own food needs, these nations would not only be combating the hunger problem, but would be promoting world food security as well.

As far as the multilateral banks are concerned, the United States should continue to donate money to the World Bank, the International Monetary Fund and other such institutions. In addition, the Reagan administration should follow through on a program they have initiated which will encourage bilateral discussions between the United States and Third World nations for possible adoption of appropriate economic policies by developing countries.

And the United States should uphold its promise to protect, with security assistance aid, those developing nations who are incapable of protecting themselves from foreign aggression. However, we must remember that in order to protect the well-being of these nations, our own national security must be assured.

Mr. President, passage of effective and efficient legislation addressing the problem of world hunger is something I would like to see before finishing my term, and I hope the sponsors of S. 1675 and the administration will be able to work out the problems inherent in this legislation as soon as possible.

All Americans should be proud of the efforts of their country and what we have already undertaken to combat the complex problem of world hunger. We must continue to expend our efforts in the direction and not forget that we live in a community of nations, where all must be done to assure that no person is subject to malnutrition that no child starves through no fault of his or her own. We can and we should be able to help.

I thank the Chair.

NATIONAL POW-MIA RECOGNITION DAY

Mr. HAYAKAWA. Mr. President, it is with a certain degree of sorrow that I, along with 41 of my colleagues, introduce a joint resolution today designating July 9, 1982 as "National POW-MIA Recognition Day." Last year Senator DECONCINI and Senator DOLE introduced similar legislation which passed, and, as a result, America set aside July 17, 1981 as a special day of recognition for our POW-MIA's. We had hoped that marking a day this year would not be necessary—that we instead could express gratitude for resolving once and for all the issue of our prisoners of war and missing in action from the war in Southeast Asia. Unfortunately, that is not the case.

It has been 9 years since the signing of the peace accords in Paris which brought about the end of the Vietnam war. But the war has not ended for the families of 2,500 Americans who remain unaccounted for. These families still do not know the fate of their loved ones. I am wearing a bracelet myself, bearing the name of Maj. Kurt McDonald who was shot down December 31, 1964. His parents, who live in San Mateo, Calif., just want to know what happend to their son. Others want to know what happened to daddy, to their loved ones—and we do not know.

So we must continue our search. We must continue our negotiations with the Government of Vietnam.

I myself tried to initiate such negotiations with the Government of Laos in August 1981.

Last Friday the East Asian and Pacific Affairs Subcommittee was briefed by Deputy Secretary of Defense Richard Armitage and other members of a delegation who went to Hanoi to discuss the POW/MIA issue with Vietnamese officials. Even though the delegation did not return with the answers we so desperately await, I believe some progress was made by the mere fact that Hanoi at least agreed to the visit. For my part, I am grateful to the President and the administration for taking this initiative, and I urge them to continue to explore any possible avenue for resolving this tragic situation.

It is a humanitarian problem of great importance to the American people—one which rises above the political problems separating our nations, that is Vietnam, Laos, and ourselves. And it was the humanitarian aspect of this issue which took me to Laos last summer in order to seek an accounting of our MIA's who were known to have been shot down in Laos.

Although I felt that my talk with the Laotian officials might lead eventually to resolving this matter, at least so far as our servicemen who were shot down in Laos were concerned, progress is still not perceptible.

I was greatly disappointed that the Laotians did not permit Mr. Armitage to visit Vientiane on this trip. Despite this, I intend to continue my efforts and support administration efforts to secure a full and complete accounting from the Vietnamese and Laotian Governments.

I remain optimistic that in the end the American people will be provided with an accounting of their loved ones—an accounting which we all so earnestly desire. In the meantime we must continue to focus our attention on this tragic matter. We cannot allow these 2,500 men to become a forgotten part of our history and join over 90,000 Americans from other wars whose fate are still unknown.

Mr. PERCY. Mr. President, my distinguished colleague from California has introduced legislation, Senate Joint Resolution 160, to designate July 9, 1982 as "National Prisoner of War and Missing in Action Recognition Day." The purpose of this resolution is to authorize and request the President to issue a proclamation calling on the people of the United States to observe this day with appropriate ceremonies commemorating the sacrifices of the thousands of prisoners of war and missing in action who have so honorably served our country in the past 206 years.

There is a similar, but not identical, resolution under consideration in the House of Representatives. As my distinguished colleague from the Illinois delegation, Congressman FINDLEY, a cosponsor of this resolution, remarked on the floor on February 22, there have been more than 140,000 servicemen captured and interned since World War I and over 90,000 lost in combat and never recovered. It is both fitting and proper that our Nation pay tribute to those who have so valiantly defended the values which we espouse.

Moreover, it is entirely appropriate that we call to the attention of our friends, our allies, and our potential enemies around the world the sacrifices which the American people have made in the cause of freedom. It will signify to them that we as a Nation attach great importance to those who are missing and to learning their ultimate fate. This is particularly important in 1982 at a moment when a delegation, sent to Hanoi by President Reagan to seek information on our POW's and MIA's, has just returned. There are approximately 2,500 Americans who were either killed or are missing as a consequence of the conflict in Indochina and who have never been fully accounted for. Of this number, approximately 1,150 are known to have been killed in action, but their remains have not been recovered.

I discussed this tragic situation personally with Richard Armitage, Deputy Assistant Secretary of Defense, who headed the delegation to Hanoi, immediately upon his return. Mr. Armitage's mission in Hanoi was to impress on the Vietnamese Government the importance which the American people attach to this humanitarian issue which stands between us. Mr. Armitage reported that he had a frank exchange of views with his hosts and that they agreed to continue meetings between our MIA specialists, though no date was set for the next meeting. He also reported that the Vietnamese accepted our Government's invitation to visit our Joint Casualty Resolution Center and Central Identification Laboratory in Honolulu. I take these statements as signs of progress—that the Vietnamese agreed to continue discussions and that they will visit Honolulu. Indeed, that Mr. Armitage went to Hanoi is a sign of progress. I commend President Reagan and his administration for this initiative.

We must continue to explore every possible way of impressing on the Vietnamese and Lao Governments the importance which we attach to a full and complete accounting for our POW's and MIA's. This is a humanitarian imperative and we cannot rest until this is accomplished. I believe that the resolution introduced today by the distinguished Senator from California, which I have the honor to cosponsor, will make a contribution to this process and I commend it to my colleagues.

● Mr. DECONCINI. Mr. President, last year I was joined by my colleague, Senator DOLE, in introducing Senate Joint Resolution 50, a bill to designate July 17, 1981, as "National POW/MIA Recognition Day." When that bill was signed by President Reagan on July 12, 1981, I had hoped that another special day to focus public attention on the plight of our former prisoners of war and those who are still listed as missing in action would be unnecessary. Unfortunately, that is not the case so I am pleased to add my name as an original cosponsor of Senator HAYAKAWA'S resolution to once again designate July 17 as a special day of recognition for this illustrious group of American patriots.

The horrors of war can never be erased from the minds of the combatants. The additional traumas suffered by our prisoners of war who saw their comrades die as a result of torture, starvation, exposure, disease, and the lack of medical attention have left emotional scars that can never be truly healed. But the physical problems resulting from their internment in inhumane living conditions where they suffered deprivations of every kind can and should be addressed. I was pleased, therefore, to be a cosponsor of the legislation enacted last year, Public Law 97-37, which greatly expanded VA health benefits available to our former prisoners of war. While this legislation was 30 years late in coming and does not totally resolve all the health care problems of our POW's, it was a giant step forward.

Unfortunately, no such giant strides have been achieved by this Government in resolving the fate of the more than 2,500 Americans who remain listed as missing in action in Southeast Asia. Despite the agony of not knowing whether loved ones are living or dead, relatives of our MIA's have never lost hope. They have pursued every possible avenue in seeking a final determination of the fate of our MIA's. Our Government should do no less.

I hope adoption of this legislation will send a signal to officials at the highest levels of our Government to redouble their efforts to seek a final determination of the destiny of those whose wartime fate remains unresolved.●

● Mr. DOLE. Mr. President, today, we introduce a joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day." It is with deep gratitude and heartfelt thanks that we seek to honor those who so honored us with their heroic and selfless sacrifices, ultimately that of their freedom.

The Veterans' Administration has estimated that since World War II, 140,000 soldiers have been captured and held as prisoners of war. Over 9,000 men have been listed as missing in action and never recovered. These men suffered in ways that we may only hope to understand. They endured loss of their freedom and loved ones, lack of proper medical attention, torture, and in many cases a horrible death. For those now free, their memories will always be held captive to those dark years of their lives.

How can we ever hope to repay the sacrifices of those men who stood as living embodiments of the words honor and courage? We must start by remembering. We must start by letting these men know that we will honor their incredible sacrifices. We must start by expressing that which we so deeply feel. And we must proclaim this day as a day to remember the unspeakable torment and pain that both prisoners and their families suffered for their country. We are proud of these men. Let us let them know that.●

Mr. HAYAKAWA. Mr. President, I ask unanimous consent to have printed in the RECORD the text of Senate Joint Resolution 160, to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day," which I have introduced for myself, Mr. DECONCINI, Mr. DOLE, Mr. PRYOR, Mr. SARBANES, Mr. EAST, Mr. HUMPHREY, Mr. ROTH, Mr. WILLIAMS, Mr. BIDEN, Mr. EAGLETON, Mr. FORD, Mr. BAUCUS, Mr. BUMPERS, Mr. THURMOND, Mr. LEVIN, Mr. MCCLURE, Mr. MOYNIHAN, Mr. MATTINGLY, Mr. COHEN, Mr. HUDDLESTON, Mr. SPECTER, Mr. SYMMS, Mr. RANDOLPH, Mr. HOLLINGS, Mr. LAXALT, Mr. LUGAR, Mr. COCHRAN, Mr. PERCY, Mr. GARN, Mr. LONG, Mr. EXON, Mr. CRANSTON, Mr. DURENBERGER, Mr. ZORINSKY, Mr. GRASSLEY, Mr. D'AMATO, Mr. BURDICK, Mr. ANDREWS, Mr. GOLDWATER, Mr. HATCH, and Mr. KENNEDY.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in such wars were captured by the enemy or are missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war and many such prisoners of war died from such treatment;

Whereas it is uncertain whether those Americans missing in action are alive or dead and such uncertainty has caused their families to suffer acute hardship; and

Whereas the sacrifices of American prisoners of war and Americans missing in action and their families are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That July 9, 1982, is designated as "National P.O.W.-M.I.A. Recognition Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The minority leader has 8 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, for the RECORD, which orders have precedence: the standing orders recognizing the two leaders at the beginning of the day or do 15-minute orders recognizing Senators?

The PRESIDING OFFICER. The order for the two leaders come first.

Mr. ROBERT C. BYRD. I thank the Chair.

I call attention to the fact that the order for the minority leader awaited the execution of the order for the Senator from California.

I did not want to interrupt the Senator from California. I did not want to show him that discourtesy. But I think that if we are going to have the standing order recognizing the two leaders of the Senate then the two leaders should be recognized.

At no time did I ask to reserve my time nor did I yield it back. I used 2 minutes of it in recognition of Mr. RANDOLPH'S birthday, and when the Senator from California began he commented on the birthday of my senior colleague. I thought that was

89-059 O-85-25 (Pt. 3)

going to be the extent of his comments.

I do not direct my comments to the instant occupant and I do not make this statement with rancor, but I would just as quickly defend the right of the majority leader to be recognized in accordance with the standing order and if he were still the minority leader and I the majority leader I would just as quickly and just as vigorously recognize his right to be recognized under the standing order prior to the recognition of other orders that have been entered. From now on I am going to insist on that procedure. If the procedure is to mean anything then it should mean something.

Mr. President, I ask unanimous consent that a statement which I am about to make appear at a position in the RECORD where it would have been made; and I ask unanimous consent that the time that I consumed in calling this matter to the attention of the Chair not be charged against my order.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

[Mr. ROBERT C. BYRD's statement appears in the RECORD, at another point.]

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HAYAKAWA). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 12:30 p.m. during which Senators may speak up to 7 minutes apiece.

The Senator from Wisconsin.

THE SIBERIAN NATURAL GAS PIPELINE AND THE SOVIET BLOC DEBT CRISIS

Mr. KASTEN. Mr. President, the battle to stop construction of the Soviet natural gas pipeline, or at least to slow it down, seems to be lost. When administration officials meet with our NATO allies later this month, they will not talk about stopping the pipeline, but about the prospects for cutting off future credits to the Soviet Union. Of course, if the pipeline goes through on schedule, the Soviet bloc will have a steady supply of hard currency and will not need Western credits anywhere near as badly as it does now.

Members of Congress sense another abdication in the making, and their frustration has been voiced in proposals to withdraw U.S. troops from the European Continent. But Congress has another, less drastic, tool at its disposal, to put backbone into the U.S. position. The quickest, least controversial way to slow construction of the Soviet pipeline is to declare Poland in default in its loans to the United States. That short and simple statement would send shock waves throughout the international financial community, and do more than any high-level talks ever could to cutoff credit to the Soviet bloc.

Western bankers and governments have all kinds of arguments against a declaration of default, as the Wall Street Journal pointed out in an editorial last Friday. We are told that, "Default would lose us all leverage with the debtors. It would force the banks to write off the loans and might cause some banks to fail. There have been periods of debt moratoria for some nations in the past with no adverse consequences."

But that is an extremely short-run view. In the next year or two, the Soviets face a complete breakdown of the Polish economy—Romania and Hungary might be next. And these Soviet satellite nations are not going to solve their deepseated economic problems without some fundamental changes in the way their economies work. Thus, the prospect is not that Western lenders will be able to withdraw from the East, but that they will soon be sucked into a deeper commitment to protect previous loans.

In testimony before my Foreign Operations Appropriations Subcommittee, the former Polish Ambassador to Japan, Zdzislaw Rurarz, laid out the choices before us. He said:

> There are only two options: either you stop subsidizing a system which is falling apart, which is highly economically inefficient, or you subsidize it. For how long? Well, I do not know. For as long as the taxpayers and other foolish banks are willing to subsidize.

He made it clear that U.S. subsidies by propping up the current system only postpone the kinds of reforms that would enable Poland to make good in its debts.

We have a chance to get out now, to cut our losses, and wait for the inevitable changes which must then take place in the Polish economy, and in other Eastern-bloc economies. Or we can continue to pour U.S. taxpayers' money down the Communist sinkhole.

In the past few years, the United States has become so worried about the allies' reactions that, over and over again, we fail to do what is right. Our bark may be getting louder, but our bite has become so weak that the United States has very little credibility abroad, with either our allies or our adversaries. A declaration of Polish default would slow construction of the Soviet gas pipeline, and help restore some of that missing credibility.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial, entitled "Debtor Leverage," be printed in the RECORD.

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

[From the Wall Street Journal, Mar. 5, 1982]

DEBTOR LEVERAGE

A dispatch from London by our Mr. Kempe this week described the anger of Western bankers over the hard-ball tactics Romania is using against its worried creditors. The Romanians made a deal with nine banks to reschedule their debts and then, in effect, told their other 200 creditors they can whistle for their money unless they go along with it.

The Romanians, considering their dismal financial condition, may not be very wise in treating money men this way. On the other hand, it is easy enough to understand why they thought they could. Look what everyone else has been getting away with.

Even more banks, 500, are holding Poland's paper, $2.5 billion of which had to be rescheduled last year. But not one has broken ranks and declared the Polish loans officially in default. This is despite the fact that the Poles still are short on the $500 million in back interest that they had promised to pay by February 15 and that the Western bankers were confidently predicting would be paid.

Indeed, the Poles are being treated with kid gloves. Yesterday, the banks agreed to give the Poles more time and postponed signing the rescheduling until early April. The U.S. government, at the same time it was applying hard-line rhetoric against the Soviet-Polish suppression of Solidarity, did not insist that banks declare an official default before it made good on food loan guarantees. The West German government still is insisting, partly by means of guarantees, that European banks dump a new load of credit in the East bloc by financing the Soviet Siberian gas pipeline and it appears that U.S. resistance to that project is withering. Other forms of lending to the East bloc, which is more integrated economically than most Westerners realize, have by no means dried up.

All this timidity in the West has raised discussion among bankers of "debtor leverage," the ability of very large debtors to call the tune for creditors. The Soviet Union and Eastern Europe are very large debtors indeed, with gross debt to Western commercial banks, according to Wharton Econometrics, of $58.6 billion as of last Sept. 30, and net debt, after deducting their Western deposits, of $48.4 billion last June 30.

Indeed, the Feb. 15 issue of Grand Strategy, countercurrents, a newsletter published from Clarement, Calif., by a group of political scientisits, suggests that, contrary to popular wisdom, the accumulation of huge debts may have been a deliberate policy of the Communist states. As long as the debts remain unpaid the East bloc has the use of the goods it bought with them free of charge. And, as the German attitude toward the pipeline amply demonstrates—not to mention a plea made by U.S. suppliers of equipment to the President this week to let the deal go through—Western manufacturers have become hooked on the idea of supplying these free goods, so long as someone (the taxpayers?) is willing to finance them.

"What we have managed to do is involve the Soviet Union and its allies intimately in our internal affairs, and in our relations with our own allies," says Grand Strategy. "It is we who are moving in their direction, not they in ours."

Grand Strategy's editors admit that there is room for debate on this thesis. But certainly the Communists are showing no sign

of being overcome with embarrassment. The Romanian attitude is a case in point. One of the first acts of Poland's new military government was to demand that the banks lend it the money to pay its interest due, a demand the banks resisted.

Western banks and governments have all sorts of alibis for not taking a tougher line. Default would lose them all leverage with the debtors. It would be equivalent to declaring economic war against the East bloc. It would force the banks to write off the loans and might cause some banks to fail. There have been long periods of debt moratoria for some nations in the past with no adverse consequences.

We would urge, however, a longer view. The Poles, the Romanians, the Russians, etc. are not going to solve their deepseated economic problems without some fundamental changes in their systems and there is no prospect of that. That is to say, they are not going to earn much hard currency to pay their debts. Indeed, the latest crop failure in Russia and the break in the price of oil, which accounts for a major share of Soviet hard currency earnings, have pushed Soviet reserves down sharply, and they may continue to fall.

Thus, the prospect is not that Western lenders will gradually withdraw from the East but that they will be sucked into a deeper commitment to protect previous loans. They should ask themselves now whether they want to do that, while there still is a chance to cut their losses.

SANDINISTA INTOLERANCE FOR THE MISKITO INDIANS

Mr. PROXMIRE. Mr. President, the Miskito Indians, a community numbering approximately 100,000, situated in northeastern Nicaragua are suffering a tragedy.

Without much interaction with other Nicaraguans, the Miskitos have traditionally coexisted with their fellow countrymen harmoniously. For ages they have been permitted to follow their own traditions and customs without any threat of reprisal. Before the Sandinista regime, took power the Miskitos lived in peace.

But now the Nicaraguan Government is herding them like cattle against their will. About 20 villages in which approximately 10,000 Miskitos once lived have been emptied. Eyewitness reports tell of truckloads of Indians being deported to school buildings that are under police control. In addition, a recent State Department advisory warned that "there are also numerous though unconfirmed reports of repressive tactics by government forces."

I do not intend to label the actions of the Sandinistas an act of genocide. Genocide is defined specifically as an action committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. Nonetheless, the Sandinistas' treatment of the Miskitos is indeed characterized by the intolerance common among all acts of genocide.

The Miskitos are primarily Protestant, not Roman Catholic like most other Nicaraguans. They speak their own language and their second language has traditionally been English, not Spanish. For all intents and purposes the Miskitos even govern themselves. There is a clear separation between the Miskitos and other Nicaraguans. The cultural differences are most likely one motivation for the Sandinistas' actions. It in no way serves as an excuse for their oppressive behavior, though.

Intolerance lies at the root of all persecution. The level of harassment carried out by any transgressor is often dependent solely upon the villain's whim. In the case of the Sandinista regime, there has been minimal bloodshed so far. At any time, though, they could decide to rid themselves of their Miskito problem once and for all. Were the Sandinistas to perpetrate genocide what would the American response be? I certainly hope the answer would most unequivocally be to punish the regime for its crime.

What I consider to be of the utmost importance is that we not only make it clear to any potential transgressor that we might retaliate for an act of genocide, but that we would punish the guilty party. I am certain that any criminal would think twice before committing genocide if he knew that the U.S. Government would come crashing down upon him.

It is for this reason that I am once again calling upon my colleagues to ratify the Genocide Convention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE LAW OF THE SEA TREATY

Mr. PRESSLER. Mr. President, I rise to speak on the subject of the Law of the Sea Treaty.

I am opposed to the proposed Law of the Sea Treaty in its present form. Today, another session is beginning in New York regarding the Law of the Sea Treaty negotiations.

I know that there is a great desire to mine the seabeds, and, indeed, mankind needs to have the resources of oil, nodules, and the other wealth that lies in our seabeds. Our mining companies are prepared to mine with the technologies available.

It is my view that over the past 8 to 10 years the United States and the great maritime powers have held out too many promises to nations that have no capability of mining—that somehow there is to be control of this mining by a United Nations type organization.

A recent article by James J. Kilpatrick discusses the difficulties with administering such a treaty and I ask unanimous consent that it be printed in the RECORD immediately following my remarks.

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

[From the Washington Post, Feb. 19, 1982]

THE HELL WITH THE LAW OF THE SEA

(By James J. Kilpatrick)

The papers on Jan. 30 were full of Gen. Dozier's release and Franklin Roosevelt's centennial, with the result that no one paid much attention to a lamentable announcement from the White House. The announcement was to this effect: the United States will resume its participation in negotiating a treaty on the Law of the Sea.

The president made it clear—as clear as the opaque amenities of diplomacy will permit—that we probably will not be participating much longer. Ambassador James J. Malone will go to the United Nations on March 8 for sessions that are scheduled to run through April 30, but unless the principal sponsors of this long-winded lunacy are prepared to accept drastic revisions, Malone might as well catch the next shuttle home.

Maybe Reagan should be commended for his patience and praised for his restraint. It is hard to say. He might better have cleared the air with a thunderclap appraisal of the pending draft convention: I say it's spinach, the president might have said, and I say the hell with it.

The draft convention is indeed spinach. It is the indigestible product of 19 years of cud-chewing by the bovine idealists and predatory beasts that roam the pastures of Geneva and New York. Their proposed treaty, as one commentator has observed, contemplates the greatest territorial grab since Genghis Khan set loose his Tatar hordes. The U.S. Senate would agree to universal abortion before it would ratify this treaty in its present form.

Have a look. The draft is composed of 17 parts, 320 articles and 8 annexes. The text runs to 175 pages of single-spaced typescript. A preamble echoes the platitudes of the old World Federalists. The sponsors want only to contribute to the realization of "a just and equitable international economic order."

Just? Equitable? Come now. The treaty would create an International Sea-Bed Authority, based in Jamaica, with title to all the sea-beds of the planet Earth. The Authority would have an Assembly, a Council and a Secretariat; there also would be a new International Tribunal on Law of the Sea.

Every member nation would belong to the Assembly. Every nation would have one vote. The United States would have the same voice accorded Qatar, Sri Lanka and the Solomon Islands. The Assembly would be the "supreme organ" of the Authority, but for everyday purposes the Council would be running the store.

Curious thing about the Council. It would have 36 members. The Soviet bloc would be guaranteed at least three of these seats. Can you guess how many would be guaranteed to the United States? Try to guess. Close your eyes. Think hard. Right! The answer is that no seat would be guaranteed to the United States. But who would pay the larg-

est share of the costs? Right again! Uncle Chump! Contributions would be "based upon the scale used for the regular budget of the United Nations."

Under this treaty, an "Enterprise" would be created. Like everything else, the Enterprise would benefit all mankind, but it would especially benefit all mankind of the Third World nations. It would benefit them in this fashion; an American mining consortium would raise millions of dollars in capital, apply for permission to explore a couple of likely sites, and perhaps eventually get the word to go ahead. If the exploration proved fruitful, the Enterprise would appropriate the better of the two sites, along with all the technology the consortium has developed.

In the next step, the miner would have to get a production authorization, fixing limits on the kind and volume of minerals that could be brought to the surface—but never mind. The treaty goes on and on. If Lewis Carroll had written Alice in the Sea-bed, he could not have contrived a more preposterous scenaria. Only 60 signatories are required for ratification. Unless the Senate has lost its collective mind, the United States will not be among them.

Mr. PRESSLER. Mr. President, I hope our delegation in New York does not mislead the rest of the nations. As chairman of the subcommittee of Foreign Relations that deals with the law of the sea issues, I asked the Reagan administration to review the Law of the Sea Treaty that was being proposed

The treaty would turn over the power to make decisions about mining law of the seas to signators of the document, including many Third World countries who currently have little or no access to the oceans. Such a procedure would probably result in no mining because there would be such chaos, so much dissention, and so much disagreement.

It is my feeling that this Law of the Sea Treaty would hurt our national defense by putting us at the mercy of a U.N. group to state the rights of passage of our ships.

We depend heavily on the right of passage through certain archipelagos and certain channels which we would essentially be turning over with full authority to a United Nations committee.

Mr. President, let me say that I am a supporter of the U.N. I am not here demagoging the United Nations. But I feel strongly that the Senate would not approve this Law of the Sea Treaty. I should say that bluntly now. Someone needs to say it. Otherwise, we will be in the embarrassing position of misleading Third World countries.

We have raised their expectations to the point that they now think they are going to control a law of the sea regime of some sort, by which they would give approval to countries to mine the oceans.

Such a treaty would not pass the U.S. Senate.

Our delegation in New York at the U.N. would be in error to represent that it is the position of the U.S. Government that such a treaty would pass the Senate.

I thought it appropriate for me to rise today, since I am chairman of the subcommittee that has held numerous hearings in the last year on this subject. I have gone out of my way to hold hearing after hearing, and I commend the other Senators who have participated, in order to listen to all sides. The fact of the matter is, however, that this Senate would not approve the present draft of the Law of the Sea Treaty or, indeed, probably any variation that is being currently considered.

Therefore, I wonder about the wisdom of keeping our delegation actively negotiating in New York. Are we misleading other nations?

It would be acceptable to me if the great maritime powers reached an agreement and went forward and mined or used the technology that is now available.

The requirement of the sharing of our mining technology is another and perhaps insurmountable difficulty with the treaty.

The fact of the matter is that once that treaty came into effect, our military and our Pentagon and our CIA would object to a sharing of a lot of that technology because it is related to national security. We would be entering a very complicated and nightmarish set of international agreements that no one in this country has really thought through carefully.

I sat through several of these hearings and, as the Chair, who is a member of the Foreign Relations Committee and a very knowledgeable one, knows, we held long hearings this year on the Law of the Sea Treaty. We heard from industry, we heard from consumer groups, we heard from mining groups, and we heard from the general public. I have kept my counsel on this subject up to this point. Up to this point I have said we are considering the treaty; that it should be reviewed, and I have commended the President for his efforts in this regard. I wrote him a letter in February of last year and suggested to him that a review should be conducted of the present form of the treaty before we went forward. Such a review was conducted and now we are back at the negotiating table.

It is my judgment, Mr. President, from what Senators have said during the time I have been chairman of the Subcommittee on Oceans, that this treaty would not get to first base in this body. It is also my judgment that a large segment of people advocating the treaty are a bit out of touch with the Senate. Furthermore, I have grave personal reservations as to whether we really want to turn over law-of-the-sea mining to a U.N.-type structure. The atmosphere in that organization is highly politically charged. It is an atmosphere in which a lot of steam is blown off and I think it is a good place for that. But in terms of the practical administration of a regime to manage and control law-of-the-sea mining, it is not the right place.

Also, it should be noted, Mr. President, the Soviet Union is given three votes in such an organization while the United States is given one, based, somehow, on the fact that they have three nations within one. By agreeing to such a treaty we would be giving up our control over our technology, our ability to mine, our ability to explore, the rights of passage of our ships, both commercial and military. We would be placing ourselves in the high seas, at the mercy of the Soviets and a group of small Third-World countries which really have very little interest in what goes on other than a political interest.

Mr. President, I have studied this matter for over 2 years and I have tried to be an impartial chairman of the subcommittee conducting a number of hearings on this subject. It is therefore, with some reluctance, that I rise today to indicate my opposition to this Law of the Sea Treaty. I hope that our delegation in New York will be careful not to be causing rising expectations of the other nations by indicating Senate support for this process.

We have been in these Law of the Sea negotiations for 15 years and, somehow, all these Third-World nations are now angry with us because we are not turning the authority over to them, we are not turning our technology over to them, we are not making payments to them in areas that we have no responsibility for doing so. Uncle Sam cannot be blamed for everything. But if Uncle Sam goes around making implied promises, we are in trouble and opening ourselves to blame.

Let me say if that treaty came to the Senate, I think it would be defeated overwhelmingly. So let us hope that our delegation in New York is aware of what the situation is here.

I cannot speak for other Senators, Mr. President, I can only give my personal assessment. The time for this type of agreement is not now. Therefore, I make the statement that I am opposed to the Law of the Sea Treaty and that I hope that our delegation is very careful in what it implies.

I yield to my good friend from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, is not what is involved also in some respects that there are a lot of either landlocked or relatively landlocked countries of the world—I could mention a few: Nepal, Chad, Upper Volta, just to

name three. Paraguay is another. Or many countries that may have some contact with the sea, though very little, where, using the United Nations concept, if they can, they would like to claim their share of the ocean, even though they do not border on the ocean or little, if at all.

And some of our very generous and international-minded statesmen would, if they could, say, well, the high seas belong to the whole family of nations and, in effect, cut Nepal in for a share of it or include Paraguay or Swaziland or whoever showed up on the scene wanting to claim some of the ocean.

As a practical matter, is it not the fact that the United Nations cannot administer anything? It cannot agree on anything. At some point, somebody has to take charge and run the thing if it is to be administered or someone is going to make some money out of it. I am talking about mining something, providing a service; sometimes without anybody telling it to be that way, the service is just being provided for one's neighbors, because many times, a person does not make money. So they are providing a service for humanity, even though they did not intend it that way; they might have hoped to make a profit out of it.

But is it not a fact that, in a situation of that sort, some of our well-meaning statesmen will say, "Well, just give it to the United Nations and then everybody on God's green Earth can participate and get some benefit out of it?" They tend to propose things like that. It sounds good to a landlocked nation, but, as a practical matter, is totally impractical. It would not do anybody any good because it really could not be effectively administered in that fashion.

Mr. PRESSLER. I thank the Senator from Louisiana very much. That is true. What has happened here with the Law of the Sea Treaty is a phenomenal thing. Over the last 10 or 15 years, our Government has led the rest of the world to believe that we are about to enter into a treaty. There are only really four or five maritime powers that are capable of forming a regime to mine or to work the oceans. But we have been waiting and holding back during the time when we could have gone forward with other nations or have gone forward by ourselves. I personally think we should go forward by ourselves. I do not think we need an agreement with anybody. That is my position.

Unfortunately, very well-meaning administrations of both parties and very well-meaning negotiators we have sent there have created the impression that before we are going to mine, we are going to let the United Nations take it over and manage it. Believe me, Mr. President, such an agreement would not pass the Senate, in my judgment. Maybe the Senator from Louisiana has his judgment on that.

We have, in international affairs, a tendency to raise expectations.

Can one imagine what would happen under the rights of passage for national defense, what would happen regarding the rights of U.S. ships, military and civilian, if we became hostage to the U.N.? We would be giving up much of our national sovereignty under such a treaty. Our Navy, under different administrations, has taken a public position in support of the treaties. But I have seen some very frightening things that could happen if we let a regime down in Jamaica administer this.

What would we do as a nation if we accepted this treaty and the U.N. group said that the ships of any country that supports Israel cannot go through the Strait of Gibraltar? What would we do? What about any country that supports Argentina or that supports France or England, or any country that is in a wheat agreement, or any country that does not give so much aid to South Africa? You can imagine what the question might be.

We, as a nation, would be hostage to this type of international politics. I wonder if our negotiators up in New York are making it clear that the United States of America is not prepared to enter into that sort of agreement.

I have made this speech today only after considerable thought. I spent 2 years as chairman of the subcommittee. I have held hearings, and I have been fair. I have listened to all sides. I have called Congressmen, public groups, miners, people for the treaty, and former Secretary Richardson. But I have concluded that we have to step back and take a very hard look at this process. We are not going to approve a Law of the Sea Treaty if it is submitted; and I doubt, therefore, that we should be participating in those negotiations, because we are misleading the other countries by keeping their expectations up for something that is not going to happen. Meanwhile, during the treaty negotiation process, mining is not going on, and that is tragic. The mining should be done by the maritime powers who have the ability to do it.

Mr. LONG. Will the Senator yield?

Mr. PRESSLER. I yield.

Mr. LONG. Is it not true, if one looks, for example, to the Pacific Coast, that the United States is in position to claim practically all the area from the North Pole up to the international dateline, right on down past the Hawaiian Islands, that the United States is nearest to the area off Alaska? We have offshore islands off Canada. But, generally speaking, if one takes the view that whoever owns land nearest the particular point can claim the right to mine it, the most of that area north of the Equator and between the United States and Hawaii, and even going off the Hawaiian chain, could be claimed by the United States for mining.

We could do a lot to develop techniques in that vast area out there. Insofar as we had to negotiate with somebody on this side of the international dateline, it would have to be perhaps Canada in some respects or perhaps Mexico, but a country with whom we should be able to come to terms and reach some kind of agreement.

What kind of task does that give us if we want to do business and, say, cut the United Nations in on all this, and then we try to come to terms with a hundred different nations about that? Can the Senator explain to me how we are ever going to work something out to get everybody to agree on doing something?

Mr. PRESSLER. My colleague states the question very well. Nothing would happen.

What the great powers should do is take the responsibility to begin mining, to get the wealth of the seas so that it can be used by mankind, to move forward. The United States should do it alone if necessary. There is no reason why we cannot mine and take oil alone. There is no reason the other great nations cannot. We should end this delusion that there is going to be a treaty. It has been going on for 15 years. We read "Foreign Affairs" and "Foreign Policy." When I was a college student, I started to read about this, in the early 1960's, articles about the fact that we are going to have an international regime under the U.N. to manage the oceans.

There needs to be some agreement about preserving fish life, although some countries such as Chile and Peru do not pay any attention to them. But, we are supposed to be the good guys, and we will be the good guys. We are going to preserve the fish of the ocean.

There are some areas where there can be agreements. Let us say that Uncle Sam is always expected to pay all the bills and be the good guy, and these little countries do not pay any attention to these agreements, as Peru indicated so clearly. We are supposed to make payments. An international fund is to be set up from the oil and wealth and nodules that will be harvested, and payments are to be made to the nations of the world in a fashion decided by the United Nations.

In essence, U.S. citizens are going to be taxed, and it is going to be distributed by this group.

The fact of the matter is that all the technology, all the risk, all the work is going to be done by the United States and maybe two or three other nations. Probably, when it ends up, the United

States is going to do all of it. It will mean that our people will be paying out this money. These other countries would never have thought of the law of the sea if we had not encouraged them.

Some of these countries are landlocked. They have no more right to claim the wealth of the oceans than the United States has to claim that the great forests in Brazil are the property of all mankind. Or to claim that the oil of the Middle East belongs to all citizens of the world.

This is a ridiculous concept. That is what it has boiled down to.

We have now rejoined the talks today in New York City after a year's suspension. I sent a letter to President Reagan a year ago this past February, 13 months ago, asking for a review, and now we are going to make some proposals for changes. But even with those changes, if the United Nations is going to be managing such a treaty, it is not going to be acceptable in this country.

Mr. LONG. Will the Senator yield for a further question?

Can the Senator tell me what is the attitude of the Soviet Union with regard to that matter?

Mr. PRESSLER. I believe that the Soviet Union supports the Law of the Sea Treaties.

I went up to New York, to one of the last sessions, and I met the Soviet Ambassador. But I think the reason why they support it is that they have more control—or they believe they will—over what the Third World countries will do. The Soviet Union wants to slow our Navy down. They believe that they have a chance through this Law of the Sea Treaty to limit our access. The Soviet Union does not plan to put up any money for mining. It would not be their usual pattern if they did. They do not have the technology. They would like to share our technology. The Soviet Union could use this treaty as a vehicle to hurt our national defense through blocking the passage of our ships through the archipelagos and the straits.

The Soviet Union could use this treaty to hurt the refusal to transfer certain technological things that have a national defense interest that are related to submarines and other types of activity under water. The Soviet Union could use this as a way to lessen our national sovereignty. That is truth of the matter. So the Soviets should be for the treaty. At the time, they were, and I suppose they still are.

Mr. LONG. Mr. President, at least we can say for the Soviet Union they consistently tend to do something that we can all understand. They consistently tend to look after their own interest, whatever that may be, be that either getting something for the Soviet Union or keeping us from having something to our advantage, or even just to undermine the free world, but in any event they consistently take the positions that look after their interests.

I hope that at some point we would begin to see some people emerge with more influence in the State Department and in the U.S. delegation to the United Nations, who would start making a reputation that we are looking after the United States for a change, just once in a while, and I believe our President will begin to think that way. Let someone who is paid by the American taxpayers who has a duty to look after the American citizens once in a while actually do what they are expected to do when the American people are paying for their keep.

The Senator knows that altogether too often we find someone deluded by the Communists or the Soviets, and doing their bidding for them for some reason, either by misguided good intentions or just poor judgment.

But I would think that at some point it might be worth expecting or fair to expect that those who are appointed by this Government, those who are paid by this Government, those who have a duty to the American citizens, would look after the interests of America or our people for a change and once in a while recognize that if they do not no one will unless we here in Congress at some point manage to veto and override their poor judgment.

But at some point it would seem they should recognize that they have a burden to the people who are paying them, the people who put them in their jobs, that they are supposed to be looking after the U.S. interests not some nebulous community of nations, or some such thing. It may be that someone belongs to some kind of a nebulous community of nations concept, but as a practical matter there is no agreement of any such community of nations.

The Soviets and those who agree with them are still dedicated to the utter and complete destruction of our form of government and our system of private property ownership and matters of that sort. They believe it is evil. They want to destroy it.

We are dedicated to our system and against theirs. We just do not have much to agree on.

The whole concept in the preamble of the United Nations that we are all a lot of peace loving nations seeking to preserve all the benefits of peace and bestow the blessings of liberty upon all posterity is not shared by those in the Soviet bloc, so that to think that we are here putting together some family of nations to share all the world's resources is pretty ridiculous if one recognizes what the facts of life are anyway.

I hope at some point those who are supposed to be representing us will recognize that is a jungle out there and those people do not agree with us and we do not agree with them. I am talking about those who represent the Communist point of view, the Soviet Union certainly, and in view of the fact we are not going to agree and they are going to do what they can to destroy our influence and destroy our form of government if they can, we should go ahead and look after our business and they look after theirs.

Mr. PRESSLER. If I could ask my colleague a question, does he believe that the Law of the Sea Treaty would pass this Senate? I frequently said it would not.

Mr. LONG. I would not think so.

Mr. PRESSLER. I would hope not in its present form.

I commend my colleague for his insightful remarks.

The Law of the Sea Treaty also would mean that the Soviet Union would have three votes plus all their satellites would have a vote. Can you imagine the United States going to such an organization to apply for permission to do some mining?

First of all, let us say that Israel, for example, takes an action which is opposed by a number of other nations. We could find ourselves in the situation in which all mining rights could be suspended unless particular nations withdrew support to Israel. That is a resolution that would pass in the United Nations under the present structure.

Do we want to put our national sovereignty in that kind of crippled position? I do not think there has ever been an international agreement that would reduce U.S. sovereignty as much as the Law of the Sea Treaty if we really carry it through.

We would have to have permission from this regime, which is going to be located in Jamaica. We would have to have permission from them for the rights of our submarines to go through the Straits of Gibraltar or through certain archipelagos in the world or here or there or wherever.

Can one imagine what the reaction of the American people would be when they heard that we had to go ask permission for our ships to pass through certain areas? We are turning this decision over to Third World countries, basically, many of which do not have any ships.

So on this, the day that the negotiations are starting again, as chairman of that subcommittee I felt compelled to rise and state in blunt language the problems with this Law of the Sea Treaty, and I thank my colleague from Louisiana for joining in this discussion. I know that the present Presiding Officer is very knowledgeable in this subject and we look forward to his comments at a future time.

Mr. STEVENS. Mr. President, I rise after the Senator from South Dakota has made his principal remarks. As I understand his message, which is indicated by his latest comment, I am delighted to hear that as chairman of the subcommittee he has spoken so forcefully on this issue. It reflects a similar message that we delivered to our Canadian counterparts last weekend at the Canadian-United States Interparliamentary Conference. We warned that the U.S. Senate was not going to accept the concept of business as usual in going back to put a few cosmetic touches on the Law of the Sea Treaty before bringing it back to us.

I understand that to be his message, and hope the Senate will listen.

Mr. PRESSLER. Yes; if my colleague will yield briefly, I commend my colleague from Alaska. I did say that I took this occasion to rise for the first time and say that I am opposed to the treaty.

I held over 2 years of hearings on these treaties. We heard from a wide variety of individuals, the various groups, the Navy, the citizens committee, the so-called consumer groups, past administrations, and today in New York the negotiations are being reopened.

A year ago I wrote to the President asking to review the treaty. I have remained silent on this subject until now.

Today in very blunt language I said I am opposed to these treaties.

Second of all, I think our delegation should not be misleading Third World nations to think we are going to accept the treaty.

I commend my colleague from Alaska. I could not attend the meeting with the Canadians. I think we have to be very frank about where we stand on these things and these endless talks that have been going on have misled the rest of the countries.

I commend my colleague from Alaska for his work this weekend.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATORS ON WEDNESDAY, MARCH 10, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that the special orders for the Senator from Tennessee (Mr. BAKER) and the Senator from Alabama (Mr. DENTON) for Tuesday, March 9, 1982, be vitiated.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Senators BAKER and DENTON be recognized on Wednesday, March 10, 1982, following the time set aside for the leaders on Wednesday, March 10.

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

Mr. STEVENS. Mr. President, I also ask unanimous consent that the Senator from Wisconsin (Mr. PROXMIRE) be recognized on Thursday, March 11.

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

Mr. STEVENS. I ask unanimous consent that all three of these special orders be for 15 minutes in length.

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

CONSTRUCTION OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar No. 436, Senate Joint Resolution 95, a joint resolution dealing with the Franklin Delano Roosevelt Memorial Commission.

The PRESIDING OFFICER (Mr. HEINZ). The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 95) to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. RANDOLPH. Mr. President, it is a privilege to express my support for Senate Joint Resolution 95, a measure to authorize the construction of a Franklin Delano Roosevelt Memorial.

I commend the Senator from Oregon (Mr. HATFIELD) for his sponsorship of this measure. I express appreciation also to Senator MATHIAS, chairman of the Rules and Administration Committee, and the other members of the committee for taking affirmative action on Senate Joint Resolution 95. The consideration of this measure has not been an easy task. As Senators know, the debate and discussion on a F. D. R. memorial has been extensive and conducted over a long period of time.

This is a bipartisan effort to memorialize a President who led this country through one of the most difficult periods of our Republic's existence. The consideration of these bills is also timely since we have just commemorated the 100th anniversary of the birth of Franklin Delano Roosevelt, January 30, 1982. We did this through a joint session of Congress to marking the birth of our 32d President.

Having first been elected to the House of Representatives in the same year Franklin Delano Roosevelt was elected to the Presidency, 1932, and being the only current Member of Congress who served during that first term, I am particularly aware of the economic conditions that prevailed across this land and the leadership which President Roosevelt exerted to begin a rebuilding process.

This dynamic man of action and compassion gave hope to a Nation that was devastated by a Great Depression. He moved deliberately, but quickly and he continued to guide our Republic through that crises and through a World War.

I worked with Franklin Delano Roosevelt through his entire Presidency and witnessed vividly the strength, courage, and confidence that he imparted to the people of this Nation and the world.

Clearly, his actions have shaped our modern society. He led our Republic in a most critical time domestically and in the international arena.

Franklin Roosevelt's Presidency is a vital part of our country's history and, as such, should be memorialized for future generations.

Mr. LEVIN. Mr. President, passage of this resolution does more than honor a remarkable President; it also honors a remarkable Senator. The distinguished Senator from Oregon (Mr. HATFIELD) has been involved with this legislation for more years than he might care to confess. But in all that time, with all the problems associated with this effort, he has never lost faith or hope. He has consistently sought to make sure that a fitting memorial to Franklin Delano Roosevelt is errected. With Senate passage of this legislation, he—and the Nation—come a step closer to that goal.

And it is a goal we ought to reach; ought to have reached years ago. Franklin Roosevelt was a passionate man. And he was a man who aroused passions. Even now, 50 years after he began his first term as President, the mention of his name is guaranteed to evoke an emotional response. Whether one accepts or rejects his philosophy, everyone must agree that he changed the course of history. It is the scope of his influence that we seek to finally commemorate through this legislation.

I know full well that many would argue that in these times of recession, we ought not spend the $24 million that this memorial will cost.

But Mr. President, the value of this memorial must be measured in psychological as well as material terms. The memorials which grace the landscape of this Federal city contribute to both our sense of history and our sense of destiny. Surely Franklin Delano Roosevelt contributed immeasurably to both. He took a nation which was weak and made it strong; he took a people who were afraid and helped us

to become brave; he took a country that was dispirited and gave it hope. He came in a time of depression and lifted our spirits. He came in a time of fear and taught us that the only thing we had to fear was fear itself. Those accomplishments take on a special significance now; they fill a special need now; and they deserve a special tribute now.

Franklin Delano Roosevelt was the architect of a philosophy of compassionate government which has held sway in this country for 50 years. Whether or not one agrees with everything he did, one must recognize its importance. And recognizing that importance, we should memorialize it—not so much as a tribute to him but rather as a pledge to ourselves.

Mr. President, let me close by paying tribute to Senator HATFIELD and to those members of the Franklin Delano Roosevelt Memorial Commission, particularly Mr. Gene Keogh, who have labored so long and so hard on this project. I hope and trust that the Senate's action today will mark the beginning of a process which will end, in the near future, with the completion of the memorial itself.

AMENDMENT NO. 1254

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Mr. MATHIAS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. MATHIAS proposes a printed amendment numbered 1254.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

On page 2, line 2, strike out "approved" and insert in lieu thereof "approval".

On page 2, line 7, strike out "March 2, 1978" and insert in lieu thereof "September 20, 1979".

On page 2, line 16, insert "for fiscal years beginning after September 30, 1982" immediately after "appropriated".

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I support the resolution of the distinguished senior Senator from Oregon. It is time we get on with constructing a proper memorial to Franklin Delano Roosevelt in the Nation's Capital.

My colleague knows that I introduced legislation to establish a national memorial to President Roosevelt in New York, his home State and the State he served exceptionally well as State senator and Governor. This memorial will be located on Roosevelt Island in the city of New York.

Its design, completed in 1973 by the late, preeminent American architect, Louis I. Kahn, is focused on the realization of one of Franklin D. Roosevelt's greatest dreams—the dream of peaceful world order, embodied in the United Nations Building in Manhattan. The memorial incorporates a formal garden, tree-shaded lanes, sculpture, and a columned court. It is to be located at the southern tip of Roosevelt Island, an island renamed for the President and now transformed from a wasteland into a model residential community. From the court, enclosed on three sides by granite columns inscribed with statements by or about F. D. R., visitors will view the nearby U.N. buildings or look beyond them to the open sea.

When built, it will surely be recognized as one of America's great examples of memorial architecture, and both its design and location would have met with Franklin D. Roosevelt's enthusiastic approval. The design reflects his concern for decent housing, his love of the sea, and his penchant for great architecture. It will be accessible to handicapped persons, for whom the life of Franklin Roosevelt is an inspiration.

I realize that we are not, at this time, going to approve two national memorials to the late President. And I call to the attention of the Senate the urgent need to make repairs to F. D. R.'s house at Hyde Park, N.Y., a national historic site struck by fire tragically on January 23 of this year, just 1 week before the centenary of F. D. R.'s birth.

On February 4, Senator PELL and I wrote the Director of the National Park Service requesting he take immediate steps to restore the house. I ask that the letter be inserted in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MOYNIHAN. May I ask the Senator from Oregon, who serves with such distinction as chairman of the Committee on Appropriations, if he will join the senior Senator from Rhode Island and me in urging the Park Service to transfer or otherwise obtain the necessary funds to carry out the repairs?

Mr. HATFIELD. I am pleased to join the Senator from New York and the Senator from Rhode Island in that request.

Mr. MOYNIHAN. And do I understand correctly that the Senate's approval of Senate Joint Resolution 95, authorizing the F. D. R. memorial in the District of Columbia, should not in any way impede the State or city of New York or private sources from carrying out the construction of the F. D. R. memorial on Roosevelt Island?

Mr. HATFIELD. The Senator is correct. I would go further, and state that I would encourage the Government and people of New York to proceed with that most fitting memorial.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., February 4, 1982.

Mr. RUSSELL E. DICKENSON,
The National Park Service,
Interior Building,
Washington, D.C.

DEAR MR. DIRECTOR: You are doubtless aware that a fire destroyed part of the Franklin D. Roosevelt house at Hyde Park, New York, on January 23. The house is a national historic site, of course, and has had to be closed to the public just as we begin the centennial commemoration of President Roosevelt's birth.

The house is the property of the United States and its upkeep the responsibility of the federal government. We understand the fire may have been caused by a failure to keep the electrical system in good repair. Responsibility to restore the house surely rests with the government.

We are anxious to see that repair and restoration of the house be understaken as soon as possible, and have considered introducing the necessary legislation. We understand however, that you may be able to use for this purpose funds already available to the National Park Service.

We want to be helpful in whatever way we can and request that you meet with us as soon as possible to discuss possible courses of action.

Sincerely,

DANIEL PATRICK MOYNIHAN,
CLAIBORNE PELL.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

S.J. RES. 95

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to construct the Franklin Delano Roosevelt Memorial in accordance with the general design developed by the Franklin Delano Roosevelt Memorial Commission and approved by the Commission of Fine Arts on September 20, 1979. Such memorial shall be constructed in that portion of West Potomac Park in the District of Columbia which lies between Independence Avenue and the inlet bridge, reserved for the memorial by a joint resolution approved September 1, 1959 (Public Law 86-214).

SEC. 2. The Franklin Delano Roosevelt Memorial shall be operated and maintained by the Secretary of the Interior subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 3. There are authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 1982, such sums as may be necessary to carry out the provisions of this joint resolution.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF THE PRAYERS OF THE REVEREND EDWARD L. R. ELSON AS CHAPLAIN OF THE SENATE

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 67) authorizing the printing of the prayers delivered by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses, which was considered, and agreed to, as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there be printed with an appropriate illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-sixth and Ninety-seventh Congresses, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed and bound one thousand additional copies of such document, of which four hundred and twelve copies shall be for the use of the Senate and five hundred and eighty-eight copies shall be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering all the nominations on the Executive Calendar commencing with Calendar No. 651, U.S. International Trade Commission.

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

THE EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations commencing with Calendar No. 651 on page 2 and continuing through 659, 660, 661, and 662 on page 3 of the Executive Calendar be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

U.S. INTERNATIONAL TRADE COMMISSION

Veronica A. Haggart, of Virginia, to be a member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1984, vice Catherine May Bedell.

[NEW REPORTS]

IN THE MARINE CORPS

The following named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Louis H. Buehl, III.
Charles H. Pitman.
Norman H. Smith.
Ray M. Franklin.
John R. Dailey.
Edmund P. Looney, Jr.
Michael K. Sheridan.
James E. Cassity.
Carl E. Mundy, Jr.
Ernest T. Cook, Jr.

U.S. POSTAL SERVICE

John R. McKean, of California, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986, vice Richard R. Allen, resigned.

POSTAL RATE COMMISSION

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 6, 1986, vice Clyde S. DuPont, resigned.

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1982, vice A. Lee Fritschler, resigned.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONFIRMATION OF JOHN CRUTCHER

Mr. DOLE. Mr. President, I rise today in support of the nomination of John Crutcher to be a Postal Rate Commissioner. I have known John for over 30 years. When I first became active in Kansas politics, John was already one of the bright stars on the Kansas political scene. And, I can safely say today that I know of few people more qualified for a prominent role in the Federal Government. It is an honor to recommend his confirmation to my colleagues in the Senate.

Mr. President, John Crutcher will bring to the U.S. Postal Rate Commission a wealth of experience built up over a distinguished and varied career in both the private and public sectors of our economy. John's service to our country includes a 9-year stint with the U.S. Navy, during which he saw active duty in World War II and the Korean war. Typical of his commitment to our country John remained a member of the Naval Reserve and currently wears the eagles of a Navy captain. He is a former member of the Kansas State Senate and served two terms from 1965 to 1969 Lieutenant Governor of Kansas, with both Republican Democratic Governors.

While he was active in Kansas politics, John was also a successful Hutchinson, Kan., businessman, as president of Hutchinson Investment Co. and as president of Countryside West, Inc., a small land development corporation.

More recently, he has had extensive involvement in the Federal Government, serving as director of the OEO Division of State and Local Government, where he assisted in the development of policies for relating programs to State and local government. John also served 2 years as director of the Bureau of Outdoor Recreation at the Department of Interior, serving as the banker for the $300 million land and water conservation fund.

John also found time in 1974 and 1975 to serve as my administrative assistant. In that role I came to truly know and appreciate his talents and abilities. From that experience I can proudly speak in support of his nomination.

John Crutcher has spent the majority of his life living in Kansas, developing a unique perspective on the postal needs of rural America. As I am sure John knows, the decisions and recommendations made by the Postal Rate Commission are perhaps more closely watched by rural residents than by any other segment of society. In rural areas, where people are widely disbursed and phone rates are high, the mail takes on an increasingly important role in the daily lives of residents. Their concerns about 6-day mail service and continued operations of small post offices need representation on the Commission. I could not help but notice in the 1981 Kansas Directory, that 243 post offices have been discontinued in my State alone. Which is not to say that we should ignore the overall needs of the system for the convenience of rural areas, but, we should take their needs and concerns into consideration when formulating postal policy. I am confident that John will provide that representation in a fair and competent manner.

Mr. President, the U.S. Postal Service catches a great deal of criticism. Some of that criticism is not doubt justified. But, I have always believed that by and large the Postal Service does do a good job. It is my belief that they will continue that good job with John Crutcher as a Postal Rate Commissioner. I look forward to working with John and the other members of the Commission. I think all Senators

will find him to be a responsible, dedicated, hard-working public servant.

Therefore, it is with a great deal of pleasure and home State pride that I speak today on behalf of John Crutcher's nomination to the Postal Rate Commission and encourage all Senators to support his confirmation.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominees.

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

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

THE GOLAN HEIGHTS AND ISRAEL'S SECURITY

Mr. DECONCINI. Mr. President, as an observer of American foreign policy from the unique vantage point of the U.S. Senate, the difficulty that our Nation's leaders seem to have in charting a course suitable to a world power never ceases to amaze me. Simply stated, we refuse to set goals for our own Nation; instead, we try to set them for everyone else. For unique cultural-historic reasons, we seem unable to admit to wanting to further our own Nation's political, military, and economic interests. For example, during World War I we did not define our goal as American security; rather we saw ourselves trying to make the world safe for democracy. After World War II, the Marshall Plan rebuilt Europe for the Europeans, not because a strong European economy would provide an effective barrier against Communist expansion.

This reluctance to conceive self-interests as a legitimate motive in international politics has caused us to squander countless millions of dollars in foreign assistance over the past 35 years. In too many cases, we have consciously obscured ourselves as the rightful target of gratitude by the recipients of our assistance by hiding it under the guise of multilateralism.

This same attitude has invaded the realm of military operations as well. In Vietnam we carefully circumscribed the level of our power to support the theory that we were just helping the South Vietnamese determine their own destiny. In El Salvador we seem to be on the same course, even though the threat of a Central America dominated by Soviet/Cuban communism is what involved us in the first place.

The legalistic-moralistic tint to our foreign policy has paid some dividends; but overall, I believe we have lost—and the world has lost—from our unwillingness to think about and to pursue actively and openly our own Nation's self-interest. We are still branded as aggressive imperialists by the propaganda of the left even though our willingness to use power is minimal. In truth, we are neither feared nor loved.

A case in point which I find most disturbing is the strategic and volatile Middle East, and involves America's most consistent ally, Israel. The United States was deeply involved in the creation of Israel, and in that ideals and self-interest coincided. Israel was created for the millions of Jews who had been displaced during World War II and who yearned to return to their historic homeland. But the creation of Israel also installed a bulwark of democracy in a volatile area of the world. Israel is a unified nation of people committed to the values that those who love liberty hold dear, a nation determined to hold its own and thrive in a sea of adversity. We helped establish a beachhead in the area of the world which was soon to become of incalculable strategic and economic importance.

Exactly 11 minutes after Israel was proclaimed a state, the United States recognized the provisional government. Thus began the official relationship between our two nations, which was founded on good will and which thrived through mutual support and understanding. Throughout 1948 and 1949, President Truman reaffirmed our support for Israel by resisting all attempts to diminish its territory. In October of 1948, Truman put forth the principles which formed the basis for our policy toward Israel. He said:

> The subject of Israel must not be resolved as a matter of politics . . . it is my desire to build in Palestine a strong, prosperous, free and independent democratic state. It must be large enough, free enough, and strong enough to make its people self-supporting and secure.

These principles clearly and logically provided both for our pragmatic goal of securing a political/strategic tie in the Middle East and for the altruistic goal of securing a homeland for the Jewish people.

The logic and inherent worth of those principles remains unchanged. The fanatic Ayatollah Khomeini runs Iran, the Soviets rule Afghanistan, the madman Quaddafi rules Libya, and Egypt's noble leader Sadat is dead. But Israel thrives as a strong and industrious democracy. Nevertheless, over the past few years American policy has wavered in the Middle East. We sell advanced arms and equipment to Saudi Arabia without any guarantee of Saudi political cooperation in the Middle East. The administration is talking about selling arms to Jordan even though that nation has been even less cooperative than Saudi Arabia in helping to maintain stability in the Middle East. We criticize Israel for eliminating a nuclear powerplant in Iraq which would have eventually given Iraq the ability to threaten world stability. And most recently we have decried the Israeli decision to annex the Golan Heights—a decision which only made official what in reality has been a fait accompli.

Mr. President, I cannot help but believe that in straying from our traditional policies in the interest of so-called even-handedness, we are exposing our true national interests. The fact is that the only viable method to insure against a collapse of the Middle East is to insure that Israel has the means to defend itself. And Israel wants to defend itself. It has annexed the Golan Heights because it is territory which is necessary to its defense. Prior to the 1967 war, the Heights were controlled by Syria, the nation perhaps most vitriolic in its hatred of Israel. Israelis well remember Syrian artillery firing from the Heights down on to their villages and their fishing boats on the Sea of Galilee. In the October war of 1973, Syrian tanks advanced through the Heights.

The Israelis consider the Golan Heights—444 square miles of rocky land that rises to more than 7,000 feet above sea level to be the lynchpin of their security against hostile Arab nations. Had the Syrians made any gesture or indication of willingness to come to the bargaining table or to even recognize Israel's right to exist, the Israeli decision might be questionable. But Syria has done just the opposite—they proclaim their sworn opposition to Israel at every opportunity; they give assistance to anti-Israel Palestinian terrorist activities in every way possible; and they willingly serve the interests of the Soviet Union in the Middle East. In light of these factors, how can we question the legitimacy of Israel's need for this territory? How can we deny Israel the right to defend herself?

It seems to me a very strange twist of logic to criticize Israel for providing for its own defenses at a time when we are urging Japan and our European allies to do the same very thing. At a time when we are concerned that our own sons may be called upon to fight in Central America, is it not strange that we should criticize a nation which, as the eloquent Israeli statesman, Abba Eban, put it: "seeks respect for its solitude of responsibility?" Should we not be very careful in dealing with an ally that recognizes that—again quoting Mr. Eban:

> We are not alone in arms—we are greatly helped. We are not alone in economic strength. We are greatly reinforced. We are not alone politically, we are greatly aided by American understanding. But there is one domain in which Israel is alone. When the last account is made, when there is sacrifice of life and blood, it is the sacrifice of Israeli life and Israeli blood alone. We would not have it otherwise.

In conclusion, Mr. President, I urge us all to think very carefuly of our Nation's true interests, and to ask: Will this action maintain our ability to make the world a better place in the long run or will it be an act of short-term kindness which will diminish our strength in the future? Perhaps we should learn a lesson from the Israelis and remember that we, too, survive in a growing sea of hostility and totalitarianism; that we, too, are vulnerable, and that we, too, will ultimately have to depend upon our own resources to survive and prosper.

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 12:30 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:30 p.m., at which time there will be a quorum call instituted to commence the proceedings on Senate Resolution 204.

There being no objection, the Senate, at 12:08 p.m., recessed until 12:30 p.m.; at which time the Senate reassembled when called to order by the Presiding Officer (Mr. HEINZ).

The PRESIDING OFFICER. Does the Senator from Alaska seek recognition?

SENATOR HARRISON A. WILLIAMS, JR.

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Senate Resolution 204.

THE PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 204) expelling Senator HARRISION A. WILLIAMS, JR., of New Jersey, from the Senate.

The Senate resumed consideration of the resolution.

QUORUM CALL

Mr. STEVENS. Mr. President, it is our intention to institute a quorum call. It will be a live quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 21 Leg.]

Heflin	Jackson	Randolph
Heinz	Melcher	Stevens

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 21 Leg.]

Baker	Goldwater	Pryor
Bentsen	Hart	Roth
Bumpers	Inouye	Sasser
Burdick	Kennedy	Stafford
Byrd, Harry F., Jr.	Laxalt	Tower
DeConcini	Mathias	Wallop
Dole	Mattingly	Warner
Garn	Murkowski	
	Packwood	

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to require the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Iowa (Mr. JEPSEN) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maine (Mr. MITCHELL), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—90

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Boren	Hawkins	Pressler
Boschwitz	Hayakawa	Pryor
Bradley	Heflin	Randolph
Bumpers	Heinz	Roth
Burdick	Helms	Rudman
Byrd, Harry F., Jr.	Hollings	Sarbanes
Byrd, Robert C.	Humphrey	Sasser
Cannon	Inouye	Schmitt
Chafee	Jackson	Simpson
Chiles	Johnston	Specter
Cochran	Kassebaum	Stafford
Cohen	Kasten	Stennis
Cranston	Kennedy	Stevens
Danforth	Laxalt	Symms
DeConcini	Leahy	Thurmond
Denton	Levin	Tower
Dixon	Long	Tsongas
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	Williams
Exon	McClure	Zorinsky
Ford	Melcher	
	Metzenbaum	

NAYS—3

Goldwater	Proxmire	Quayle

NOT VOTING—7

D'Amato	Huddleston	Riegle
Dodd	Jepsen	
Durenberger	Mitchell	

So the motion was agreed to.

The VICE PRESIDENT. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of the Senate—could we have order, Mr. President?

The VICE PRESIDENT. The Senate is not in order.

The majority leader.

Mr. BAKER. Mr. President, we still do not have a good attendance on the floor notwithstanding the live quorum call and the vote, and I can understand that. This is the first time we have attempted to assemble the quorum this week. But it is no less important, it is no less urgent, that we keep a full attendance on the floor this week than it was last week.

I have no idea how long this debate will take. It will take as long as appears desirable under the circumstances, because the leadership will not try to press this debate to an early conclusion.

But I urge that all Members take heed of their responsibility and remain on the floor. As I observed two Senators leaving the Chamber, I am inclined to sit down. But, Mr. President, it is important, and I am prepared now to proceed with the debate on this measure and to resume the statement of the Senator from New Jersey which is the next item of business. But I ask the Senator from New Jersey, since there is not yet a full attendance, would he prefer that I have another quorum or would he prefer to begin at this point?

Mr. WILLIAMS. I would prefer that.

Mr. BAKER. I do not blame the Senator. I agree with that.

Mr. President, I am going to suggest the absence of a quorum. I wish to execute it as fast as possible. We will have another rollcall vote, if that is necessary, if a quorum does not quickly assemble on the floor. Once again, I apologize to my colleagues for sounding preemptive on this subject, but I feel a heavy responsibility, as I am sure each Senator does, to see that the Senate treats properly the debate that is before it now.

QUORUM CALL

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 22 Leg.]

Baker	Harry F., Jr.	Dixon
Baucus	Cannon	East
Bentsen	Chafee	Exon
Boren	Cochran	Garn
Boschwitz	Cranston	Gorton
Bradley	Danforth	Hatch
Byrd,	DeConcini	Hawkins

Heflin	Matsunaga	Rudman
Helms	Mattingly	Stafford
Inouye	McClure	Stennis
Johnston	Metzenbaum	Wallop
Kennedy	Moynihan	Warner
Laxalt	Murkowski	Weicker
Leahy	Pell	Williams
Levin	Proxmire	Zorinsky
Lugar	Quayle	
Mathias	Randolph	

The VICE PRESIDENT. A quorum is not present. The clerk will call the names of absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maine (Mr. MITCHELL), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER (Mr. STEVENS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—90

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Boren	Hawkins	Pressler
Boschwitz	Hayakawa	Pryor
Bradley	Heflin	Randolph
Bumpers	Heinz	Roth
Burdick	Helms	Rudman
Byrd, Harry F., Jr.	Hollings	Sarbanes
	Humphrey	Sasser
Byrd, Robert C.	Inouye	Schmitt
Cannon	Jackson	Simpson
Chafee	Jepson	Specter
Chiles	Johnston	Stafford
Cochran	Kassebaum	Stennis
Cohen	Kasten	Stevens
Cranston	Kennedy	Symms
Danforth	Laxalt	Thurmond
DeConcini	Leahy	Tower
Denton	Levin	Tsongas
Dixon	Lugar	Wallop
Dole	Mathias	Warner
Domenici	Matsunaga	Weicker
Eagleton	Mattingly	Williams
East	McClure	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

NAYS—3

Long	Proxmire	Quayle

NOT VOTING—7

D'Amato	Goldwater	Riegle
Dodd	Huddleston	
Durenberger	Mitchell	

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

The majority leader is recognized.

Mr. BAKER. Mr. President, if we can have order in the Senate, I believe we are ready to proceed. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order. Senators will take their seats, please.

Mr. BAKER. Mr. President, we have good attendance on the floor and clearly have a quorum present. Indeed, I think we have virtually every Member.

The Senator from New Jersey, I believe, had not completed his statement on Thursday when we recessed. I shall yield the floor shortly and I assume the Senator from New Jersey will wish to continue with his statement at this time.

Mr. WILLIAMS. I would, Mr. President.

I thank the majority leader.

Mr. BAKER. Mr. President, the Senate will remain in session until approximately 6 p.m. today. Based on information I have picked up, I gather we are not going to be able to finish today and perhaps not tomorrow. So Members, I think, should probably plan that the Senate will be on this resolution well into the middle of the week, Wednesday or Thursday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. I thank the Chair. Mr. President, I would like now to discuss some significant points which have not as yet been made as keenly or as poignantly as I feel they should have been. I believe many of you may recall the book by J. Edgar Hoover entitled "Masters of Deceit." The most tragic irony of this sordid fantasy of Abscam is that the FBI, the judicial system, the Congress, and I all became victims of the grand masters of deceit, who were given almost indiscriminate and uncontrolled use of the power, prestige, and influence of the FBI in order to swindle or frame whomever they chose. With the vast resources of the Federal Government at their disposal, they deceived and deceived and deceived. This deception continues.

I was deceived, friends and acquaintances were deceived, the media were deceived, judges and juries were deceived. the FBI itself was deceived. But I have held a firm and final hope; that in this Chamber, we would not bow down before charlatans.

In my particular case, the grand masters of deceit took every character trait that I consider a personal and political virtue and attempted to twist and torture it, making it appear as a vice on hidden cameras. My willingness to assist those in need was staged and choreographed in such a manner as to create the appearance of self-interest.

The fact that I knew the schemes and proposals had lost any resemblance to reality when they started issuing worthless pieces of paper has been twisted to argue that I was acting greedily and criminally. They had to chase me down to give me that worthless paper; I did not go looking for it.

My criminal response upon receipt of the proposed $18 million in stock was an uninterested, "uh-huh." Is that the expression of excessive greed which my adversaries would claim characterized my actions? Or is it, rather, the expression of sheer disinterest in a meaningless action?

These grand masters of deceit have distorted my every action. Even my sense of humor, which prompted me to suggest the sale of the mining venture which I had come to consider totally worthless, is cited as an example of excessive greed on my part. Humorously, I suggested that we increase the selling price from $70 to $100 million. It prompted laughter, as I intended, and as the tapes do show. But my intent has been overlooked while, in actuality, it is a crucial aspect of the true nature of that kind of conversation.

Completely apart from my personal ordeal and yours, I think careful consideration should be given to the institutional wreckage resulting from these distortive tactics. They include the threat of police intrusion into citizens' lives at all levels of government. As Dean Griswold warns, "It is surely very close to the police state which we all have always shunned." There is the damage to the prestige and credibility of the FBI and the very real constitutional danger posed to the legislative branch of Government.

With regard to the future of our citizens' rights, I ask you to think about the frightening implications of the Abscam technique. How many prosecutors or police will be tempted to create a crime, especially knowing that they can obtain a videotape machine and a record in poor quality, some vague transaction. Any overzealous Government official can thus build a career at the expense of an unwitting victim.

With Abscam as a precedent, these officials are free to use vast Government resources to fabricate schemes whereby honest citizens are pursued, indicted, and convicted.

What of those who have had a strong and abiding faith in the FBI as an institution, even despite the attacks made on that institution in recent years? I have been contacted by

former FBI agents who fought long and hard with political action and financial support to protect the Bureau against attacks, but they express sorrow and shame over what has happened in my case.

Finally, there is the issue of separation of powers, which has been alluded to in general ways in this debate.

For nearly a year after the news leaks and the trial by press, I was in a legal limbo. I was suddenly aware that the executive branch had used incalculable resources to manipulate, fabricate, and manufacture the case against me. The situation I faced is unique in the history of our Nation.

Never before had employees in the executive branch tried to frame a Member of Congress. Never before in the history of our great Nation has a Senator been convicted of a created crime. For the first time, we confront the fear that we could be ultimately and whimsically subjected to criminal punishment for no reason or any reason—all at the caprice of some executive employee.

Many lawyers felt that I would not be indicted. Yet, day after day—indeed, month after month—I waited while the executive branch was determining whether to seek an indictment against me. Can you imagine the oppressive feeling I had whenever the President called me about a vote that was critical to the administration? Though still in a legal limbo, I reacted as I know you would have. I resolved that I would not allow this to affect my judgment on legislative issues before us. I further resolved that I would do everything I could to insure that no executive employee would ever be in a position to coerce a Member of this body. That is why I have continued this struggle.

The separation of powers doctrine is fundamental to our Constitution and is essential to the free and unfettered performance of the duties and functions of the legislative branch. My example shows what a threat this Abscam charade poses to every one of you. The willingness of executive employees to use drugs and forgery, or whatever it takes, to manufacture a case makes everyone vulnerable.

It should be of utmost concern to this body that the principles upon which our Government is founded have been so severely violated to compromise the independence of any Senator and the ability of the Senate to function in its proper role.

These grand masters of deceit now have the power to intimidate and coerce members of the legislative branch. But, let us resolve that no matter how grandly and masterfully they do it, they shall never be in a position to frame any Member of this body again.

The VICE PRESIDENT assumed the chair.

Mr. WILLIAMS. Yes; this was a scheme, a creation. Every aspect of it was manufactured. Out of that has come a knowledge on my part that my personality traits were warped and twisted into a synthetic creation. The atmosphere created out of the words and the appearance on the videotapes is a lurid and sordid scene, with me the only one generally in the light. This was an attempt to foster the image of a person of avarice and greed who would do anything that was hoped for by those who were creating the scene—would use his Government position for personal gain.

That creation, that attitude, that misrepresentation of my personality was advanced by the prosecutor in New York. It was echoed here in this Chamber. I can say to my colleagues here today that it is my great sorrow, of course, that all that was created about me was not me. I feel deeply saddened that I did go to situations that could be used that way. It leaves me with a feeling of great sorrow, No. 1, within this institution that I have served with all the devotion that I could give it. It leaves me not only with a sense of sorrow and sadness, but also, almost apologetic that my actions and the places I went, could be used in a way to bring this problem to the Members of the Senate.

I know it is a difficult problem, because of the image they attempted to create—and that has been sent forth not only by prosecutions but also by a partnership press. The development of a synthetic personality.

I know that it is my responsibility to make you know me as I am, as I have been, and as I was during this Abscam episode. I am today the same person I was when I came here a little over 23 years ago. When I came here then and took my seat as a Senator, I made a decision. I had been in the House of Representatives for 3 years and had served there on the Foreign Affairs Committee; and when I came to the U.S. Senate in 1959, I felt that I would try to be part of some things here that I had not been in my service in the House.

I wanted, in a sense, to come home to the hopes, the aspirations, and the needs of the people I was closer to. So, when I came here, I sought and was placed on the Committee on Labor and Public Welfare and the Committee on Banking and Currency which dealt with the programs of the metropolitan areas that I represent in good measure. This gave me an opportunity to do what I wanted to do—to associate with people in their needs, their hopes, and their aspirations.

I am still on those committees, and it has given me a chance, that I have honored completely, to use a U.S. Senate position to fashion and develop responses to human needs.

The first year I was here in 1959, the year that I looked within the jurisdiction of labor and public welfare, I saw an isolated group of people who had not been included in any action of our Federal Government that was in response to the social and economic needs of people of very low estate, low-income people. The migrant community that travels and harvests our crops were not included in any of our laws that came on since the thirties and had been developed through the forties, and it was my suggestion that we do something about them. As a matter of fact, we did. We brought a measure of new economic opportunity, new social opportunity to migrant workers and we assured access by their families to the health clinics available in the communities where they were visitors.

I will not go through all of the things that were my purpose in being a Senator, which was service to people in housing, in labor, and in so many other ways.

As I look around and look to the Senator from West Virginia, I know it was just 10 years after my arrival in the Senate that together we fashioned a response to the need of some people who were leading unnecessarily incredibly dangerous lives, the coal miners of our country. Together with the great Senator from New York, Senator Javits, we fashioned a measure that responded to the needs of these people and provided them protection. People who I did not happen to personally represent in terms of my State, but they represented a group of people that needed our response. The bill that I introduced became the coal mine health and safety law.

I only recite these examples to say there has never been one moment of my service here that I have thought in terms of advancing my personal economic advantage, never once.

I know a great syndicated columnist put me on the grill last June, I believe, on this Abscam business, and in that conversation he talked about this. "It looks like a greedy business you are in." And I mentioned what I am saying here. Never in my service have I ever thought in terms of economic advance resulting from any aspect of my job as a Senator.

I said, "You know for a long time I was chairman of a subcommittee. If I wanted to make money out of office that surely was the one that you could make money out of."

I was referring to the chairmanship of the Subcommittee of Securities of the Committee on Banking, Housing, and Urban Affairs and I was chairman of it for better than 10 years and obviously had to work with those people who were at the pinnacles of finance in our country. Not once did I ever even buy one equity measure while I was in this position, and it did not

have anything to do with my worrying about the propriety. It never even came to my mind. I did not think about it.

I use this as an example because that man then looked deeply into my activities as a Senator and into this Abscam business. After reviewing the facts involved in my case, this journalist came to believe in my innocence. He has been one in this country who has tried to explain the situation as I know it is. I go into this because, as I continue now, I just want my true personality, my true nature, to be known in relation to the activities they involved me with during this created scenario, created scene.

When I finished the other day, I hoped I had made it clear how I knew that I had done no wrong in the various aspects of this case. I indicated the worthlessness of the stock that is involved in this case and included in the RECORD as an exhibit the Justice Department's statement to that effect.

Now, I would like to develop why the manufactured scenario was to me, as it proceeded, wholly meaningless. I must go back and say that what started all of this had a reality.

I mentioned it before and I must say it again because that reality stayed with me and was on my mind throughout the long year of pursuit. The reality was a mine in Virginia. The reality was that there was a plant there that had been used for the processing of ore. The reality was that two very close friends and constituents of mine had devoted better than 3 years to perfecting an organization to acquire the mine and the processing plant and to put them back into operation. The ore would be processed into its parts, which were titanium pigment for paint, iron ore for a foundry, and phosphorus for fertilizer companies. All of it was a private venture. There was nothing to do with the Government. It was limited to Piney River, and what they needed to fashion this operation was about $10 million. My friends struggled and they struggled for 3 years and they did get to a position where they had letters of commitment, for two of the products if they started this mine—the titanium for paint, that I believe was with Glidden Co., and the iron for the foundry which was with Lynchburg foundry.

That was the reality. I had helped them once before—by just introducing them to an investment banker I knew. He was generous with his time as was his banking institution's staff. He gave them a lot of advice, but did not feel that his institution could finance the venture. And my action was customary. They were friends and constituents. I called Henry Fowler, requested that he see them if he could. It did not work out. I later called Henry Fowler and thanked him for his efforts.

I suggest to all of you who work with your constitutents and try to be helpful to them, this was in the usual order of our everyday life. That was the reality.

Then came the new possibility for my friends to get financing for the venture. And upon that reality was created not a proposal to acquire Piney River solely, but a scenario that went well beyond Piney River to the acquisition of an operating plant in Georgia. A very major establishment within the American Cyanamid Co. organization. Suddenly, the $10 million required for the Piney River enterprise was transformed into $100 million for the acquisition of the American Cyanamid plant in Savannah as well as Piney River in Virginia.

My doubts about this new endeavor were heightened in the few meetings I attended with the Government agents who created this new scheme.

The first doubt I had developed with the first meeting, which occurred when I went to a reception for the mayor of Camden, who was the one who had introduced the Abscam investors to my friends. The reception was on a boat, and there I met a person who I had been told was a member of the financial group interested in investing in the mining venture. I had been told that this did not only include a group from the Middle East, but also an investment adviser who had a distinguished pedigree. This participant was said to be an investment adviser to the Kennedy Foundation—I met him at that reception, and had a very brief conversation with him.

But I did advise him of the long and very pleasant, very fine, relationship I had with the three Kennedys who have served here in the U.S. Senate. All had been members with me on the Labor Committee.

I started talking about them, and I got nothing but a blank stare. I was talking to a blank wall. He apparently did not have any kind of association in any way with their family, and I thought this was strange, since he was an adviser to them.

There were other aspects of that very first meeting, I will have to confess, which I thought at the time were unusual. The personalities of some of those in attendance impressed me as being in line with the nature of this meeting—Middle Eastern money available for investment. The sheik was for me believable. He did not say much, but he was for me believable, and I thought he was what he was described as being.

Beyond that—and I mentioned it to my friends—I was startled that the one individual, a man by the name of McCloud from Boston, did not seem to know much about a very distinguished family that he was supposed to be associated with in Boston.

After that, there were other developments that gave me check points that established for me that this whole operation that had developed away from Piney River had very little reality, if any reality. I told my friends that if there is anybody lending $100 million, I am sure that they will look at their security and they will look at this mine and see what it is all about, to see if it has a prospect of being successful.

Sandy Williams, who constantly traveled to Piney River, Va., told me no, nobody had been down. I directed him that he had better go to the courthouse and see if they had searched the title and to see if anybody had been out to the mine area to assess its potential. Nobody had been down there.

I said that there is something wrong there:

> It looks to me like there is something wrong about these guys if they were not doing what anybody would do if they were going to protect their $100 million investment.

There was was another checkpoint that I had. The most unlikely people to be negotiating with American Cyanamid in Savannah, Ga., for that $80 million plant, were the two agents Mel Weinberg and Amoroso. They had no appearance, there was nothing about them that gave me the impression they would be knowledgeable enough, competent enough, to deal at the higher levels of a great company. Yet they were the ones who were going to do the purchasing of American Cyanamid in Savannah. That was in the spring of 1979.

I had the opportunity one afternoon in July of checking this out with the chairman of the board of that company when he came to my office on a legislative matter. After we finished the legislative discussion, I asked Mr. Affleck—after telling him that I knew people interested in buying the Savannah facility with investment money that is supposedly coming from the Middle East—if he were aware of such negotiations for the sale of the Savannah plant. But he did not know a thing about it.

It was not dispositive of whether there was anything or not, but it just seemed to me that if there was any reality about that purchase, the chairman of the board would have known if one of his major divisions was being purchased by somebody.

After that, there was another unlikely occurrence. Those representatives Weinberg and Amoroso, representing the wealthy sheik, demanded that Sandy Williams' and Alex Feinberg's partner in financing Piney River, a man by the name of George Katz, that he, George Katz, give to them some very expensive watches.

This one did not add up to me, representing all that wealth and, in effect, extorting watches. That one surprised me.

The other thing that developed that just took reality away as far as I was concerned was the second stage of the whole loan proposal developed by Weinberg.

After the loan was made or was to have been made, making the purchasing possible, it was his additional creation that there would be a sale of that that was created. It was presented as a simultaneous closing, and I will tell you that that one boggled me as it is seen in the record of the meeting of September 11.

Let me just say that I perceived an unreality, which I repeatedly described to my friends whenever I talked to them, generally on the phone.

When stock was created, I said to the creator of the stock, Alex Feinberg, who was a friend, "The stock has got to be worthless, and with this whole manufactured scheme so unreal, the stock would never have any value." That is what I believed. This is what I knew.

One reality that crossed my mind during that period was the sheik. I thought he was real. Whenever I had the opportunity, I came back to the other reality—and this was Piney River and the mine and the plant. The record shows this.

One of my friends wanted to come down here and testify, if there were an opportunity. Obviously, there was not. Alex Feinberg, who had great hope—even up to the end—that this project was going through, made an affidavit. I shall introduce that for the RECORD, and that would be Exhibit No. 9.

EXHIBIT 9

AFFIDAVIT

I, Alexander Feinberg, of full age, being duly sworn, according to law, upon my oath depose and say:

1. I am an Attorney-at-Law of the State of New Jersey.

2. I am a co-defendant with Harrison A. Williams, Jr., in the case of United States of America v. Harrison A. Williams, Jr., and Alexander Feinberg.

3. Certain shares of stock were issued in the following named corporations: G.T.D., Inc., P.I.T., Inc., P.R.V., Inc., and subsequently delivered to Harrison A. Williams, Jr., et als, representing shares of stock in corporations created by our office and subsequently duly organized by the stockholders at a meeting, at which time Harrison A. Williams, Jr., was not present.

4. This stock was given to the undercover government agents (who represented themselves as authorized employees of Abdul Enterprises, alleged Arab investors) at their specific request under the pretense that they wanted to present them to their principals, the alleged investors, for their examination and that said shares of stock would be returned to the individuals at a later date.

5. On several occasions in discussing these corporations, and the investors, Harrison A. Williams, Jr., expressed his doubt as to the integrity of the individuals who stated that they were representing certain Arab interests who wanted to make this mortgage loan to these corporate entities.

6. As a matter of fact, I discussed the status of this stock with a tax lawyer who advised me that since no funds had been advanced, nor were there any funds invested, that the stock was worthless.

7. In discussing this matter with Harrison A. Williams, Jr., on several occasions, I so advised him and he agreed that the stock was worthless and of no value whatsoever.

8. I am making this affidavit knowing full well that it is to be used by Senator Williams in his defense involving his hearing before the United States Senate.

ALEXANDER FEINBERG.

I will just read one paragraph that deals with what he says about my conversations on the topics that I have just described. In paragraph 5 of his affidavit he says:

On several occasions in discussing these corporations and the investors, HARRISON A. WILLIAMS, JR. expressed his doubt as to the integrity of the individuals who stated that they were representing certain Arab interests who wanted to make this mortgage loan to these corporate entities.

Again, he is one of the witnesses that I would have had if we had any opportunity in this debate.

I would like to read from the transcript a portion which represents the doubt that one of the participants and investors in Piney River, George Katz, finally felt. On pages 477 and 505 of volume 6 in the Senate Ethics transcript, there are two passages that I would like to read.

Alex Feinberg says first: "As far as the business thing goes."

George Katz replies: What is holding this thing up? (UI) Do you rember when we met in Washington, see, and Tony yeah, I remember my memory is clear as a bell, when you came down, it was in June that we met and you said it's gonna take about 60 days, which brought it to August. Then from August it went to November.

MEL WEINBERG. "We had a" and then it is unintelligible.

GEORGE KATZ. Wait a minute, wait a minute.

ALEX FEINBERG. Yea, let him finish, Mel.

GEORGE KATZ. Let me finish, Mel. All this is what bring it around to you doubting me and me doubting you. Well, what would you do if it was you in my place and I said August, and then from August it goes to September to October, to November, then I even said, "Look, we got an option running on the most important thing of all and that is the property which is gonna supply ya the ore to make this stuff with. It's more important than the foundation and all that bullshit with the machinery and everything else. And Sandy shouldn't be a problem here. Forget it.

"OK go ahead," says Tony DeVito.

George Katz says: "Forget it."

MEL WEINBERG. When you want him.

GEORGE KATZ. Oh let me, finish here. Now it goes from one day to another. Have the people got a right to not question—Is there ever gonna be a deal, or is there never gonna be a deal?

That was January 13, and the next selection I am going to read is January 13 also. I will say January 13, 1980, was the end of the line, because it was by that day when they knew they had not snared me in any of the corrupt activity talked about by the Government operators during the preceding year. When they had not succeeded in establishing a criminal case, you will recall they brought me back on January 15. They invited me into a meeting with a sheik on January 15 to make it clear that I was corrupt. They offered me money, and they got turned down. But it was just two nights before at the January 13 meeting, which I was not at, that the unreality of the situation finally was being discussed by those who had been hoodwinked for a year. On page 505 of the same transcript, later on Mel Weinberg says:

You let the people's buying do that.

GEORGE KATZ. Excuse me one second. Let me just finish. I forgot another thing I, I've gotta tell ya. Now I'm talking about the people buying. I'm talking about the priority here, you know, they can't buy it, we, we have to buy it and sell it.

MEL WEINBERG. Right. We don't have to put no machinery in there.

ALEXANDER FEINBERG. No, no, he's, no, what, what Mel is saying is this, George, listen to me carefully.

GEORGE KATZ. I understand.

ALEXANDER FEINBERG. We buy what is existent.

GEORGE KATZ. If, if we don't put the machinery in, we got nothing to sell, don't you understand? What are we selling? What are we selling for sixty-five or seventy-five million dollars or something like that? The only way that we can, we can accomplish what we're doing—I don't care if the people who are buying it, let them stand behind our shoulders and tell us what to buy, how, how to buy it, whether it has to be bought so that we have something to sell because if we don't have nothing to sell, why are we gonna get seventy-five million for? We have to buy it.

Alexander Feinberg says, "He's right."

You know, when I read that section, I am reminded of, with apologies to the Senators from California, both Senator CRANSTON and Senator HAYAKAWA—I believe it was Gertrude Stein, talking about when you finally get to Los Angeles: "When you finally get there, you discover there is no 'there' there." And I will tell you when they finally got to the end here, there was nothing there.

Was I correct when I say that was when she was getting to Los Angeles?

Mr. CRANSTON. It was Oakland.

Mr. WILLIAMS. Was it Oakland? Same State. I stand corrected. It was not Los Angeles. They have taken enough abuse. That is Oakland as it used to be long ago. "There is no 'there' there."

I now would like to deal with something that is on everybody's mind here and that is just why, with all of the doubts that I had about this project, why did I go back three times? Really, after I had these doubts, why did I go back? Three or four times, why did I

go back? These are most logical questions.

And I will tell you, if there is anything I would kick myself about, of course, is that, I did. But let me explain to you why I did go back to those meetings.

Come back to Piney River. Come back to the 3 years that Sandy Williams and Alex Feinberg had worked on that. Recall that I knew how hard they had worked, and I knew that they thought they had some prospect of success as miners. Perhaps it was unlikely, but they worked at it. They thought they had something that could be developed. They were my friends.

As I indicated the other day, I met those two guys the same year, 1958, when I was running for the Senate. One was a publisher of a paper, Sandy Williams; and Alex was a candidate for Congress. We were close. I was particularly close to Alex for all of the years after that.

They thought they had something that could be advanced into a successful venture—a purely private venture. I had doubts, I told them, I really told them. In my judgment, they stayed with it, with the hope that there would be successful investment there.

If there had not been a Piney River, I never would have gone back, but with the fact that they did have something real—small compared to the monstrous creation, but something real—I felt they might have a chance not with Weinberg and Amoroso, the representatives of the sheik, but with the sheik. I questioned the unreality of the total operation but not the reality of Piney River.

There was only one meeting. I went back to that meeting and it was discussed. That is the only thing that I saw was real, and I stayed with it, even though the people that Sandy and Alex were talking to, and George Katz later on, were reprehensible in every way. I know a lot more about them after reading the transcripts. The transcripts show the obscene language, the unusual pressures that were put on those involved in these creations.

When I was present at these meetings the language used was foul. I am not sure why. As you read the transcripts record, it just has to engender disgust. It does in you; it does in me. I was disgusted with these people. They were not my kind—Weinberg and Amoroso. But my constituents and friends wanted me to stay, so I went along without interest with the thought that maybe that Piney River project might become operable with the financing from the sheik. As you know it never did , because the whole thing was a giant sham.

As part of this sham was the suggestion that Government contracts would be obtained. A careful review of the tapes will show that the only contracts even under consideration were for the purchase of the ore which would have been used in the production of paint, iron for Lynchburg Foundry and phosphorous for fertilizers. The companies involved would have been firms like Glidden or Sherwin-Williams. There was never any suggestion of Government contracts up to this point.

On the tape of April 23, 1979, Weinberg for the first time raised the prospect of Government contracts in a telephone call to Sandy Williams. I direct the Senate to page 375 in volume 6 of the Senate Ethics Committee transcripts.

Mel Weinberg says:

All right. Now what about, uh, let me ask you a question. There's a lot of Government contracts, that ya know, on the chemicals.

Sandy Williams answered, "Right."

MEL WEINBERG. Now, can Williams get us the bids on them?

SANDY WILLIAMS. Well, I don't know about that. The main thing is with this Cyanamid thing. . . .

And if we wanna increase our business, we'll have to go into like Sherman-Williams and people like that and try to get their business away from somebody else.

In the tapes of September 11, 1979, and October 7, 1979, Sandy Williams and I discussed the market for titanium, and I am asked who I have talked to my response is:

What do they know about this, when they say contracts what, what are they talking about? Going metal, it got to be metal because——

MEL WEINBERG. I, I know what—I only know finances. I don't know anything about—I say, because of the nature, not the scarcity of titanium, but the fact that you're coming on with titanium. And it's here in this country. There's a market anywhere you go; right, Sandy?

SANDY WILLIAMS. Absolutely, titanium slag right now. QIT a private organization is the only one producing it. We will be the second one producing it. And Glidden would like to buy it, American Cyanamid would like to buy it if we didn't buy out American Cyanamid, of course Gulf Western wouldn't because Gulf Western owns.

On page 345, Tony DeVito, the name used by FBI agent Anthony Amoroso, who was the partner and supposed supervisor-director of the hired criminal Weinberg begins to speak.

We will find out later in our discussion of this part of Abscam that things got turned around and Weinberg, the hired criminal, was the one who took over operations, but now I shall quote from the agent Tony DeVito.

"Have you had an opportunity to discuss er titanium with anybody in er you know on——"

I say, "Sure, I"——

Then DeVito says, "the Government?"

Then I say, "I talk titanium with everybody, anybody, that has a connection. Er, like Bethlehem Steel. I was with their vice president in charge of mining."

Tony DeVito says, "Um hum."

A careful analysis of every tape will show that the only contracts I mentioned, or affirmatively respond to, are private rather than Government contracts. I hope Senators will remember the analysis of Dr. Shuy that was presented here and was demonstrated by the posters on the easels in the back of the Chamber. Dr. Shuy's analysis shows who said what on this issue.

Senators will find that the Government or its "agents", including Angelo Errichetti and Mel Weinberg, were those talking about Government contracts, not me. It is clear that the Government itself knew I had not promised to obtain Government contracts.

I refer my colleagues back to an exhibit we included in the RECORD; a memorandum from Mr. Gow to the director of the operations here in Washington, Mr. Mullen. It says:

Williams has got to do something. Williams hasn't done anything about "Government business."

I would like to turn your attention to January 15, 1980. The Gow-Mullen memorandum of November is now directing the operation, basically. I remind you that it says, "Williams has got to do something. We have got to recontact him."

In other words, I had not done anything to meet their specification, their specification of an official act, their specification of taking something of value.

"Recontact WILLIAMS," the Government people said in November, "get him to do something."

You will recall that that tape, which was the last time that there was any taping of me, although there was one more tape, one of Alexander Feinberg, is the FBI's effort to recontact me to get me to do something. After talking about all of the elements of legislation, the sheik says, "We are alone. I want to give you money," and I say, "No, no, no, no. When I work in that area, that kind of activity, it is purely public."

At that point, you will recall, agent Amoroso came in, and interrupted before I could explain what we all know so well: When you are doing anything in the public area, you never take money. I never had a chance to explain this because Amoroso came in, and said a call would come in. The call came in and the sheik walked out.

It has been said repeatedly that when an offer is made, one can always say "No;" one can always walk out. Here, I clearly said "No," but the sheik walked out, and I was left alone in the room thereafter.

So, at most, on the merits, without a quid pro quo, what I did was offer to see if I could be of assistance to this foreign dignitary who said that he was in trouble in his own country and that he wanted to take up permanent resi-

dence here. My behavior, what I did, was what a person would do before taking action; I requested information. And that is exactly what that last tape shows—an itemization, characterization, and listing of the elements that have to be known. And I requested that the sheik bring me that information. Such precedes any decision on legislation.

I will tell you that if there had been any greed involved, while alone with that sheik and aware of an offer of money, I would have thought about it, believe me. I return to what I said here the other day: I not only did not think about it, I said "No" before he had finished his sentence. And that is clear on the tape; it is clear in the transcript. Before he even said "residence," he said "money," and I said "No." He said "residence," and I said, "No, no, no."

I tell you, knowing that the stock was of no value, if there had been any dishonesty or greed on my part, there was ample opportunity for it to be shown. It was not.

I should like to indicate that there are an awful lot of documents that are vital to the understanding of this case. A lot of the documents, Government documents, were very hard to obtain for a variety of reasons, and none of them worthy reasons. Materials have come into my possession long after the trial, some after the ethics hearing, which substantiate what I am telling you here, that I had not done anything wrong. That is why, with so much material still coming out of the bowels of files—material that has come from that brave, courageous, and honest woman, Marie Weinberg—we are only beginning to hear the whole story. She knew that she took her life in her hands by coming forward and telling the truth. She is gone; but from all that she said, and the affidavit she made, as well as from many quarters, there are so many things yet to surface so that we might understand what this Abscam is. This is the first time in the history of our country that the Government, the Executive Department, tried to move in here and create crime.

I would point, at this point, to exhibit 2 from Robert Stewart. Law enforcement cannot be condemned. The Department of Justice and the FBI cannot be condemned. There were individuals within those organizations who lost sight of their purpose. They departed from the standards of their great institutions by their conduct. There are so many that did not betray their responsibility or their oath. They did the honorable thing in this case and in these cases; they reported to superiors what was transpiring when they observed things that their colleagues in Government were doing which they felt were wrong. In exhibit 2, which has been submitted and is in the record, Mr. Robert Stewart, one of those men of loyalty and integrity said, and I quote here:

> There is reason for concern, (1) when two public officials are brought before a TV camera to take a bribe, but both decline.

I was one of them. And he was greatly concerned about the whole operation that would not accept "no" for an answer.

The guidelines described to us after this was over, by both Mr. Heymann, who headed the Department and by Mr. Nathan, maintained that all one must do is say "No"; and that would be the end of the effort of testing one's criminality. All one must do is say "No."

Well, I will tell you, that certainly was not applicable in my case. My "noes" throughout a month—throughout a year of many months—were all countered by heightened efforts, "let's do it this way, let's do it that way."

You remember the forgery. When I would not do anything about Government contracts, the very next day, one operative inquired, "How are we going to make him do it? How about a letter? We need a letter." And there then appeared a forged letter which said that I was going to do what they knew I would not do.

I would like now to talk about other areas that I know we must discuss and that are on the minds of all of you. They have to be understood if this case is going to be understood and if my role in all of this is to be understood, for your deliberations, for your thoughtful, searching answers to what it was all about and what I was all about.

In every instance where the Government operatives pushed their fantastic scenarios to the point of a clear question of illegality, that record will show I unequivocally rejected them. This is in the area when they talked about taxes, when they talked about disclosure, or about hidden interests; there was once a suggestion of an employment contract of some kind; and there was, of course, the one that I have just described here, that money bribe.

The Government's tapes clearly show that I never had nor would have had any hidden interest in the business venture. On the September 11, 1979, tape, I stated in response to the possibility of a second Arab group purchasing the potential assets of the three corporations and the resultant tax liability:

> Williams——
>
> This WILLIAMS:
>
> I think it's the smart way for a guy like me to go by the way——
>
> For me to——
>
> You know out in the open. I mean ya——
>
> Right, pay the taxes.

The only thing I slipped into there, in their terms, was a little bit of street language that I am not proud of; but I did it. Still, the essential thing to know is what was I going to do about taxes, if there was anything, and I knew there were not going to be any taxes here. But remember Piney River. There was a reality; but as for the unreality, no. Notwithstanding that, whenever taxes came up, I pay taxes. Whenever disclosure comes up, I disclose, as I did on October 7, 1979, where I again stated that any future interest which I might obtain would be dealt with according to our rules—not only the law but also our standards we live with under our Senate rule book.

I indicated that I would blind trust my interest, and Feinberg says, "I've got an expert." Feinberg also says, "He teaches at the law school and he has a master's degree in this." And I say, "Yes, we will have it under the trust." So, I have done what I had to do under my rules at this point. It has been suggested that this was a way to hide something, and that I do not know what a blind trust is. That is absolutely not true. I know what a blind trust is; and I know there is a disclosure going in, too. Anything that happens after that is not disclosed to the creator of the trust.

The quotes that I have just read are from volume VI at 331 and 339.

So it is clear from the tapes that I intended to pay taxes, if there were any, and to put any interest I might obtain in a blind trust. I, of course, never received anything of value which required paying taxes or anything to be placed in a blind trust. I might say at this point that, whatever it is, as long ago as 1976, it is entitled an agreement. And it is from Sandy Williams, Henry A. Williams III, to me. I cannot find two lawyers who agree on what it is, and perhaps it is really nothing. But it was given to me by him as an expression of generosity; so he explained as he was giving it to me, his oldest and dearest friend.

It would be worthwhile, if you have time, to review that document because it dates back to 1976. Sandy Williams was very grateful to me because, when he needed phosphorous for something he was working on—and he was involved in many ventures, none of which succeeded—I suggested he contact the Department of the Interior and they would tell him which to locate phosphorous.

He did. He got a book, and the book told him it was down in Virginia, at Piney River. I guess it was out of an abundance of good feeling for me since I was the one who led him to find the mine, he gave me half of whatever he had in something. We reviewed it. It is not an enforceable gift. It has provisions like a will. But there it is.

I raise it under the subject I am discussing here now because, while I did not know what it was, I did review it on May 15 with my administrative as-

sistant. I said, "I do not know what it is, but if somebody wants to give me something, I wonder whether this should be put in the May 15 disclosure." Together, we agreed that it certainly does not have any value; so, therefore, we did not.

But even that was reviewal, there was nothing else out of all of this to consider except Sandy Williams, generous gift-hope that he gave me back in 1976. It is the tab E of the book that is on the desk, the brown book from the Ethics Committee.

I did mention an employment contract in another connection. There was some idea that I would have a continuing relationship. It looked like they were trying to put me into an employment contract after the simultaneous sale to the new Arabs, whom nobody ever saw.

I said, "There are a lot of problems with what you are suggesting for me. This looks as though I'm getting into an employment situation, and I can't do that." This passage is reflective of my absolute adherence to the rules that we work with and under in this body. That is part 6 of the committee print, page 230.

I should now like to go back to Robert Stewart's memo of January 29, exhibit 2, in connection with Government documents raised, and quote one paragraph.

But, the primary concern, and one which the operational prosecutors in newark pinpointed at the very outset of their involvement in the matter, has been with the very essence of this investigation. There is reason for concern . . . when so many people could have believed for eight months that "W" had a hidden interest in the business venture when the facts now appear to be to the contrary.

I not only did not have a hidden interest in the business venture—and I knew it—but also, the Government was aware I did not. Again, I quote from a Stewart Memorandum of January 8, 1980, exhibit 6:

On March 27, 1979, Mr. Puccio indicated suspect "W"—

That is Williams—

of New Jersey had a hidden interest in the particular business venture . . . Many months later, when we finally obtained the tapes, the situation proved to be quite different . . . "W" did not say that he had an interest, hidden or otherwise—only that he was interested. "W"—

Williams—

said only that when the venture materialized, he would then have to disclose his interest—an interest which would come into being at that time. All of this is a far cry from having a "hidden interest."

I quote from pages 2 to 5 of the memorandum.

I again remind my colleagues of the memorandum from FBI Section Chief W. D. Gow to Assistant Director in Charge, Francis Mullen, and this is dated November 27. I have mentioned it before. It is in the RECORD.

Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:

1. It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., titanium mine and/or import quotas for titanium mine.

2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.

At this point, I remind the Senate of what was said by Mr. Irving Nathan, who worked with Philip Heymann. Those men were at the pinnacle of the Justice Department on this Abscam operation. The other day, I had posted here, a quote of his from the 20/20 television program. It was the conclusion of these remarks that he stated these people could always say no. I just want to say to all of you, my friends and colleagues, I did say no. I said it continually, yet the pursuit went on.

Even though statements by Mr. Heymann, and the records of congressional committee meetings indicate, that the Government pursuit would be discontinued, after the opportunity for wrongdoing was offered, and was turned down, and it was not done in this case. Month after month after month, right up to the final, the pursuit persisted.

On the Government's side, within the operation led by Weinberg, there was little direction over the decisions which were made. It seems that many of the actions against me were motivated by personal rather than professional objectives. This thing, the whole operation on me was, for the most part directed out of Brooklyn. There the man who turned out to be the prosecutor of the case against me was involved in decisions on this pursuit. I say these people had motives beyond their jobs. Puccio had a motive that developed at hearings on due process and I believe it will be gone into in some greater detail later. He was negotiating and coming to agreements for collaboration on a book about Abscam. Its coauthor, Mr. Newfield, a reporter, has been quoted as saying that: "If WILLIAMS isn't convicted maybe there won't be any book."

I have never been a prosecutor in my life, and those of you who have been will know better than I, but I read and feel that all of the rules and standards that guide prosecutorial conduct insist that his official role is a role of objectivity and not subjectivity.

When this particular prosecutor had an economic stake in seeing that I was convicted, that gives us some clue as to why he handled the preliminaries and the case against me in the manner he did.

That book deal and the records of the cases reveal, that the contract was entered into by Mr. Thomas Puccio before I was indicted.

Coming back to that January 15 meeting when I was alone with the sheik, you will recall that the sheik offered money, and I said no, no, no. Then there was an interruption, just as I was about to explain the law, which came under the direction of the prosecutor who I just mentioned. He was hidden in another room, secretly watching the conversation between the sheik and I. He was with the supervising FBI agent, Mr Good, and together they directed agent Amoroso, to burst in and cut me off, before I gave them their biggest trouble, an explanation of the law that guided me in my refusal of the money. I turned down a bribe the very last time I saw that group.

I indicated earlier that so many were guided not by their job and their responsibility, their oath, but were guided by profit, personal profit. Puccio I have just discussed. Weinberg I do not have to tell you about, I am sure, because this has been widely reported—the bonuses that he got, and he was also involved in another book situation. I am pausing here because I am recalling just how outrageous Weinberg, the hired criminal during Abscam, was. During this investigation, he was working with an author on a book and that book, "The Sting Man," was published and came on the market the day my trial started, almost a year ago. His profit motive ran throughout this sordid investigation to the point where he not only got his supervisors to pay him bonuses for exceptional jobs done, but fabricating jobs so that he would get additional bonuses. With all of those bonuses he was in a position to lead a very lush life. When he moved, many of the possessions he had were given or purchased at knocked-down prices by the agents who were supposed to be directing him. And out of it came a lifestyle which he did not wish to relinquish. That was another motive to keep this thing alive, and that will all be developed as a major subject that must be of concern to Congress and to the Senate—the lifestyle that some of the agents acquired at taxpayers' expense during Abscam. You can see the rottenness that pervades this entire investigation when you view the departure from their responsibilities of the agents involved as they become more concerned over the quality of their lives.

Mr. President, we believe that there are others who want to speak at this time, this afternoon, and I have reached a convenient breaking point to relinquish the floor.

I want to say, as I do at this time, that I wish to express my deep gratitude for the attention here this after-

noon of all Members, so many of whom are here.

I reiterate what I said before: The job I have taken on, while it is tough for me, is not tough in a sense because I know that I must do it as a matter of principle. The job I have given to you is a difficult one, too. For 2 years, the sleaziness of Abscam, the banners, the press talking about the corruption, the money, and the bribing of Members of Congress, came through on those tapes in a way that misrepresents reality so much. This has been a creation made public. And I know that this is what you all have to deal with. I am sorry, indeed, that it came to this.

I hope you will understand how, knowing so deeply that I did no wrong, I have to live with myself and I had to do this.

My friends, my colleagues, I can just say that I regret in a sense that I have to burden you with this ordeal.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, Thursday we had a great deal of difficulty in reassembling the quorum after the break in the middle of the afternoon, so I would urge Senators to return today as soon as possible.

In a moment I intend to ask the Senate to stand in recess after 15 minutes. But before I do that may I inquire of the distinguished assistant minority leader if he has, as I believe he announced on Thursday that he had, an amendment to propose to the resolution, if he intends to do that today?

Mr. CRANSTON. I do not intend to propose it today for action today. I am perfectly prepared to agree to a time when it would be voted upon by the Senate, provided that time is acceptable to the committee, to Senator INOUYE and to Senator WILLIAMS.

Mr. BAKER. Would it be possible during this 15-minute break then for the committee chairman and vice chairman to meet with you and others who may be interested to see when that might be done?

Mr. CRANSTON. I will be glad to do that.

Mr. BAKER. I will be happy to assure the Senator, as he knows I am certain, that there is no inclination to rush. But, by the same token, there is a responsibility of the leadership to try to arrange the business of the Senate so that Members will have some idea of how to conduct themselves. I thank the Senator.

Mr. WALLOP. Mr. President, if the majority leader will yield, I think that is a good idea. We would be happy to meet and make such an arrangement. But I would also suggest to the majority leader, without in any way impinging on his prerogatives of leadership, that to the extent we exceed the 15 minutes we might go over the 6 o'clock hour because I do think it is important to be able to do that.

Mr. BAKER. Yes, I understand that suggestion, and within reason I am willing to do that. But knowing my colleagues, as I think I do, we may end up at 7 or 8 o'clock. So let us stay at 15 minutes. Once again may I urge Members to come back and be at their seats in 15 minutes.

RECESS FOR 15 MINUTES

Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:20 p.m.

There being no objection, the Senate, at 3:04 p.m., recessed until 3:20 p.m.; at which time the Senate reassembled when called to order by the Vice President.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I know that we have a good attendance, perhaps even a quorum on the floor, but in order to make sure that all Members are aware of the fact that 3:20 has arrived, for a brief time I will suggest the absence of a quorum and I do now suggest the absence of a quorum. I do not expect this quorum call to go live.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, by way of beginning a rebuttal and may I say that rebutting the arguments which have been presented is certainly no more pleasant than it was presenting the arguments in the first place—I think it is important that the Senate should realize a couple of things, the most important of which is that the Ethics Committee has had no reason to pursue or create a vendetta against Senator WILLIAMS, nor has it now. It is not part of a conspiracy at any level of Government to get a Member of this body. That is a preposterous thought. Indeed, the committee would have gladly had the problem go away, or would have liked to have been able to resolve it in favor of Senator WILLIAMS.

The truth of it is that we simply could not. We tried. The committee badly wanted that result, that it reviewed as fairly as it could the evidence that was presented to it. It came up with the recommendation which brings us all to this floor and which is the subject of Senate Resolution 204.

I would suggest to you this afternoon that in many respects you have not heard the testimony or the arguments of a passive outsider. In Senator WILLIAMS' own words this afternoon, when he had doubts, he did not get out but told us this afternoon that he asked his friend, Sandy Williams, to check out important records since things did not add up. But he said he attended meeting after meeting.

He said that the second phase of the operation did not make any sense. To quote him, he said, "It boggled me." But he did not leave. He was offered a higher price and promised to cooperate with the new group.

He said that it did not seem real to him, that the stock must be worthless. Yet he took it.

He questioned the integrity of some of those involved.

The committee has questioned the integrity of Mel Weinberg and has from the beginning. Nobody ever believed that that was not a character. He was so unsavory that it was impossible to contrive such a person.

But of these people we keep hearing of, it is important to recognize a couple of things. Only Weinberg, DeVito and the sheik, Farhart, were working for the FBI. Mr. Feinberg was Senator WILLIAMS' friend, his lawyer, Alex. He testified in the committee that he was his best friend. And Mr. Feinberg was convicted as an aider and abettor of Senator WILLIAMS in this scheme.

Sandy Williams, who, as has been pointed out, was no relation to Senator WILLIAMS, was given immunity and testified against Senator WILLIAMS.

All these things I state to try to leave some perspective as to where we are and the fact that we must return to the issue which is before us. The issue is not as Senator WILLIAMS would have us believe, the conduct of others, but, rather, is the conduct of Senator WILLIAMS himself. In so doing, I would like to review briefly the evidence which compelled your committee to conclude unanimously that in the public interest and that of the Senate, Senator WILLIAMS must be expelled.

In this regard, it needs to be stated for the record that, contrary to the Senator's contention, your committee did conduct its own investigation, a key element of which was the adjudicatory hearing in which Senator WILLIAMS himself testified. He called as a witness in his behalf Dr. G. Robert Blakey, a professor of Notre Dame University School of Law, and introduced documentary evidence, much of which he offered again here today and last week.

I would suggest to Senators that they read volume 1 of the open hearing sessions of July 14, 15, and 28, pages 126 to 156—it is 30 pages, relatively short—Senator WILLIAMS' own testimony to the committee in our investigatory level of these proceedings.

Before turning to the review, I would like to address several issues

that were raised by Senator INOUYE and Senator WILLIAMS in their statements last week and today.

These include the Government's alleged improper targeting for investigation of Senator WILLIAMS and other Members of Congress; the alleged forgery by Government undercover agents of an incriminating letter over Senator WILLIAMS' signature; internal prosecution memoranda which allegedly exonerate Senator WILLIAMS; and the testimony of Dr. Shuy, a linguist, that Senator WILLIAMS never said or did anything wrong on the tape recorded evidence which the Ethics Committee unanimously found to be so incriminating as to require Senator WILLIAMS' explusion.

The first area is the targeting. Last week, it was suggested that Members of Congress may have been improperly targeted for investigation by the Department of Justice. As an example, the statement was made that without adequate monitoring and based only upon a 15-minute phone call, the decision was made by law enforcement authorities to offer a $125,000 bribe to the distinguished senior Senator from South Carolina. The question was asked, if they will try to get Senator STROM THURMOND, who, here, is safe? And it is important, genuinely important, that several points be made in response.

First is that the issue before us is the conduct of Senator WILLIAMS and not that of law enforcement authorities in the Abscam cases and if the latter is to be considered, it should be done at a later time when these law enforcement authorities are given the same opportunities as have been given to Senator WILLIAMS to present their side of the various allegations made against them. Just as we have not rushed to judgment against Senator WILLIAMS, we should not rush to judgment as to the conduct of others.

Second, it would be morally and ethically wrong to allow Senator WILLIAMS to become the beneficiary of any wrongdoing on the part of law enforcement officers, even assuming that the allegations of such wrongdoing are borne out by the facts.

Third, as to the factual assertions made regarding Senator THURMOND's case, I must respectfully disagree. The allegations do not comport with my understanding of the facts. Let me comment on a few of the facts which, hopefully, will put the matter into some perspective. While Senator THURMOND's case was never before the Ethics Committee, it is my understanding that he was never offered a bribe nor did he ever suggest by word or deed that he would become involved in any such sordid affair as is before us. Moreover, the Department of Justice did not authorize the offer of any bribe to Senator THURMOND.

The Thurmond matter arose because Representative Jenrette falsely claimed that Senator THURMOND could be bought and that although it would be expensive, he, Representative Jenrette, could produce him. When faced with such clear statements made by a fellow member of his delegation in Congress, the Department of Justice felt it could not look the other way. Accordingly, it was authorized by law enforcement authorities that Representative Jenrette should ask Senator THURMOND to attend a meeting, after having explained to him that the meeting would involve discussion of the introduction of a private immigration bill in the Senate. However, the actual offer of a bribe to Senator THURMOND was not authorized by the Government at this initial stage. When this meeting did not occur—and it is important, this meeting did not occur—in accordance with the representations of Representative Jenrette, the matter was dropped as to Senator THURMOND. Senator THURMOND thus was not targeted or pursued by the Government and no attempts were made to entrap or ensnare him in a criminal case.

Count 3 of the indictment against Representative Jenrette charged bribery, alleging that he solicited money based on representations that he would cause Senator THURMOND to introduce an immigration bill in the Senate. It was the Government's position in that case that this was done without the knowledge of Senator THURMOND and that Representative Jenrette intended to keep the money for himself.

Moreover, the indictment alleged in count 1 that Jenrette's claims about Senator THURMOND were, in fact, false, a position which Congressman Jenrette confirmed on the witness stand at his trial. Senator THURMOND testified at trial as a Government witness against Representative Jenrette and, as you know, Representative Jenrette was convicted.

In short, it appears that this matter was carefully handled by the distinguished U.S. Attorney for the District of Columbia who, at that time, was the Honorable Charles Ruff. Mr. Ruff did not take precipitate action regarding Senator THURMOND. He carefully reviewed the matter with the assistant U.S. attorneys in his office handling the Jenrette case before contacting Mr. Philip Heymann, a supervisor at the Department of Justice, for further guidance.

Fourth, turning to the general allegations of targeting Members of Congress, while I fully appreciate and share the concern expressed by certain Members here about the possible targeting of Members of Congress, I would like to bring to your attention certain statements which appear in relevant court decisions regarding the Abscam cases. In United States against Myers, which is officially reported at 527 Federal Supplement 1206 (1981), the several defendant target Congressmen argued that "Abscam was outrageous because its selection of congressional targets was arbitrary and unprincipled." In rejecting these claims of the Congressmen, Judge Pratt ruled in pertinent part as follows:

> The court is convinced that the defendant congressmen appeared through a "self-selecting" procedure that involved the other defendants as well. The agents did not set out to offer bribes to any particular congressman.

He goes on to say:

> Uncontroverted testimony established that no prospect was rejected or vetoed either by the agents or by higher authorities in the justice department. No congressional defendant was forced to attend the videotaped meeting, and no congressman was contacted directly by any of the undercover agents. Prior to the payoff meetings all contacts with the congressmen were through the middlemen, who apparently believed the sheik's offer, who claimed to have influence with the congressmen, and who claimed to be able to produce congressmen willing to take bribes. With the convicted congressmen, these claims proved accurate; with some other legislators, the middlemen did not live up to the abilities they had boasted of. In some cases, as noted above, after the legislator appeared, he rejected the offer of money.
>
> With each defendant brought before the TV cameras, the criminal nature of the proposed deal was made clear. Each of the congressmen was a sophisticated politician who clearly was aware what was being requested of him and what the money was being offered for. While Amoroso and Weinberg talked around the point somewhat and did not mention the word bribe in the on camera discussions, they handled the matter in each case as tactfully and delicately as one might suppose, given the nature of their undercover role as agents of foreign principals offering a bribe to a high public official. But, as the videotapes clearly showed and as the juries necessarily concluded, each congressman was aware of the criminal nature of the transaction, and each acted willfully.
>
> The claim that the justice department "targeted" only supporters of Senator Kennedy in his presidential race was unsupported by the evidence.
>
> In short, on this record it is clear that those defendants who appeared and accepted bribes were not "targets" in the sense that any government agent selected them for some sort of "honesty test"; instead, each was a willing volunteer seeking illegal and corrupt payments. (*Id.* at 1226-1227)

Representative Myers attacked his indictment for bribery on several additional grounds, including a claim that the bribery statute may not be validly applied to an alleged bribe instigated by agents of the executive branch creating fictitious roles and a fictitious plot. In other words it was claimed by Representative Myers that the statute does not authorize the executive branch to conduct a "scam" or "sting" operation to see if Members of Congress, without any inducement, will

accept a bribe. In upholding the constitutional propriety of the Abscam technique, the court of appeals for the second circuit in *United States* v. *Myers*, 635 F. 2d 932 (1980), analyzed the issues and ruled in pertinent part as follows:

The constitutional argument focuses essentialy upon the risk of abuse. If agents of the Government can confront Members of Congress with manufactured opportunities to accept bribes, there is created the risk that malevolent officials of the Executive Branch will one day select as targets for a bribery sting particular Senators or Representatives in political disfavor with the President. The argument further maintains that if this occurs, such political targeting, though doubtless prohibited by the First Amendment, will be infrequently detected. The argument does not assert that Members of Congress have a constitutional immunity from prosecution for bribery. It simply maintains that the public interest in deterring bribery of Members of Congress can be adequately served by prosecution of those who accept bribes under "real" circumstances, without the added threat of prosecution for bribes accepted in response to manufactured opportunities.

Forceful arguments are available in response to these concerns. Any Member of Congress approached by agents conducting a bribery sting operation can simply say "No." Each Member's capacity to reject bribe opportunities could be regarded as sufficient safeguard against the risk that the Executive Branch would successfully use these tactics for political reprisal. Additionally, as the Government points out, bribery is a secretive enterprise, not likely to be detected as long as the bribe giver and taker maintain their silence. A sting operation, it is urged, provides a needed law enforcement weapon. Finally, emphasis is placed on the high public interest in guarding against corruption in the legislative process. The known availability of a bribery sting can act as a powerful deterrent.

Having examined these competing considerations, we conclude that they involve choices of public policy, rather than constitutional imperatives. Once the Supreme Court decided in *Brewster* that the Constitution does not prevent Congress from applying the criminal law enforcement process to a Member's acceptance of a bribe in return for a promise of legislative action, the way was cleared for that process to function without any special constitutional restraints arising from the status of the defendant. The normal constitutional and statutory protections of the criminal process of course remain available to the accused. These protections include the defense of entrapment, but that defense is not established simply because government agents "afford opportunities or facilities for the commission of the offense," [citing *Sorrello* v. *United States* or engage in "deceit" [citing *United States* v. *Russell*]. If the public policy concerns that have been identified warrant additional restrictions on the prosecution of Members of Congress for bribery, such restrictions are matters for consideration by those with public policy responsibilities, administrators in the Executive Branch and ultimately law-makers in the Legislative Branch. In *Brewster* the Supreme Court pointed out that if that decision underestimated "the potential for harassment, the Congress, of course, is free to exempt its Members from the ambit of federal bribery laws." By the same token, if the risks of a bribery sting operation outweigh its benefits, Congress always has the power to make the more limited modification of redefining the offense to exclude, in the case of Members of Congress or others, acceptance of bribes offered by undercover agents of the Government. With the policy choice thus fully within the control of Congress, we cannot conclude that the separation of powers doctrine creates a constitutional barrier to the law enforcement technique selected by the Executive Branch. [*Id* at 938–39] (citations omitted).

That was the decision of the second court of appeals in the Myers case.

While I personally would oppose legislation which would put us, Members of Congress, in a special category by exempting us from the laws of bribery or constitutionally approved law enforcement techniques, I must emphasize that such legislative issues are not now before us. Such issues are appropriately considered, if they are to be considered at all, only after hearings and careful analysis. Such matters cannot and should not be allowed to cloud the issue before us; that is, whether the full Senate will adopt the resolution of its Ethics Committee that Senator WILLIAMS should be expelled for his ethically repugnant conduct.

I again submit that the only issue before us today, and throughout this proceeding, is the conduct of Senator WILLIAMS.

As to Senator WILLIAMS, Senator INOUYE has stated that Senator WILLIAMS, too, was improperly targeted and that the Justice Department's investigation was based on charges against Senator WILLIAMS which were initially fabricated by Mel Weinberg. This statement simply is not borne out by the record in this case.

In fact, there is no evidence that the FBI sought out Senator WILLIAMS. Quite the contrary, the evidence is clear that Senator WILLIAMS became a subject of investigation through a "self-selecting" process in which he was brought to the undercover agents through the medium of Mayor Errichetti, whom Judge Pratt described in the Myers case as standing in the center in a "cesspool of corruption" (527 F. Supp. at 1246). As Judge Pratt observed, Errichetti "openly claimed access to the strings of power in the White House" and other governmental institutions, as well as in labor unions and organized crime. Remember Errichetti was a political associate of Senator WILLIAMS and was not an FBI agent or hired informer.

The Government's investigation of Senator WILLIAMS, far from being part of an orchestrated attack on the legislative branch, was the natural outgrowth of Senator WILLIAMS' January 1979 meeting with Mayor Errichetti in Camden, N.J. On March 8, 1979, Alex Feinbert, having been put in touch with Errichetti by Senator WILLIAMS for the purpose of pursuing financing for the titanium venture, met with Errichetti, Mel Weinberg, and undercover FBI agent Amoroso, posing as Tony DeVito, president of Abdul Enterprises. After the arrival of Feinberg—whom Senator WILLIAMS has here described as his "eyes, ears and even representative" for various affairs—talk turned from a racetrack venture involving Ed Ellis, a client of Feinberg, to the mining venture, and Weinberg asked directly: "Does Williams got a piece of this mine?" Here is that part of their conversation:

AF. I'm representing him [Ellis] on that deal [the racetrack]. See you know how I got into that? Williams. Whenever anybody goes . . . see, (IA) he's a friend of Williams. Whenever anybody . . . I'm, I'm gonna brag about this and he [meaning Errichetti] can verify it.

AE. Look, I know what he's gonna say (laugh).

AF. He, he, he [meaning Senator Williams] says, well, I want Alec in this. I want Alec in . . . I want Alec to run it. We're we're like, is that right?

AE. How many years? Twenty-four years?

AF. Twenty some years . . . we've been together.

MW. Does Williams got a piece of this mine?

AF. He's gonna have a piece of the mine, yeah.

MW. Cause he don't . . . he doesn't show on here.

AF. Ah . . . He can't show.

MW. I was just wondering how . . .

AE. . . . hired a good lawyer.

AF. I can't show.

MW. Cause you don't show on there either.

AF. No, I know. I can't show. I can't show Pete or myself. But we're gonna have a piece. OK? Now . . .

MW. As long as we undertstand.

AF. That's right.

(Tape transcripts (part 6) at 1–2).

Senator WILLIAMS himself traveled to Miami on March 23, 1979—not, as Senator INOUYE suggested as a political favor to Errichetti, but rather at Alex Feinberg's urging, with the understanding he was going to meet people who were potential investors in the mine (trial proceedings (part 4) at 3567–72, 3584–85). On board the yacht, Senator WILLIAMS met the sheik, and was also introduced to Weinberg. Weinberg asked him if it would be alright to use his—Senator WILLIAMS'—name in endorsing the mining venture, and Senator WILLIAMS responded, "Sure" (tape transcripts (part 6) at 20).

(Mr. STEVENS assumed the chair.)

Mr. WALLOP. After the meeting on the yacht, Alex Feinberg, Sandy Williams and Mayor Errichetti continued to discuss possible financing for the venture with representatives of Abdul Enterprises.

On March 24 Errichetti met with Amoroso and Weinberg, and linked Feinberg to Senator WILLIAMS as his "bagman." He suggested that the Senator could be of a lot of service in Washington, especially in light of his

seniority because, in Errichetti's words, "this is Government stuff, now" (Tape transcripts (part 6) at 35). On April 3, Sandy Williams discussed the status of the proposed titanium venture with FBI Agent McCarthy and Weinberg. He indicated that Feinberg was in the deal—this is Sandy Williams talking—"to keep, keep Pete Williams' interests, get this thing organized right so when we do make an overall deal it'll be divided up the right way" (Id. at 38).

In short, from a number of contacts with several of Senator WILLIAMS' oldest and closest friends and political associates the Justice Department gleaned that Senator WILLIAMS had an interest in the mine for which Feinberg was seeking financing; that Feinberg was the Senator's "bagman"; that Senator WILLIAMS' interest in the mine was being represented, and concealed, by Feinberg; and that the Senator would be willing to use his influence as a U.S. Senator to make the venture succeed. None of this information came from Weinberg, the FBI's disreputable informant, but rather came to him—first from Senator WILLIAMS' closest friends and associates, and ultimately, as we have seen, from Senator WILLIAMS himself.

Judge Pratt in rejecting the claims of targeting made by Senator WILLIAMS made several comments of relevance to the point including the following:

Defendant Williams moved pretrial for dismissal of the indictment on the ground that he was the victim of selective prosecution. The court reserved decision on the motion in order to consider it post-trial in light of evidence that would develop at trial and in the post-trial "due process" hearing. Williams now reasserts the motion, although the basis for the contention has shifted somewhat.

Originally, Williams contended that he and other ABSCAM defendants had been singled out for prosecution because they had supported Edward Kennedy for the Democratic nomination for president rather than the then incumbent, Jimmy Carter. Now, by letter to the court dated October 23, 1981, Williams' attorney states that the claim is as follows:

"Not so much that Kennedy supporters were targeted but rather that certain people were given the honesty test and others, who may have been targeted by lower level government agents, were not so tested either as a result of orders from superiors or tipoffs to them as to the scam. It appears that to a large degree those people were supporters of then President Carter."

* * * * *

The court finds that Williams was not singled out for prosecution, nor was he "negatively selected" through the failure of some justice department official to tip him off that he was under investigation.

* * * * *

The court further finds that there were no orders from superiors directing the investigators to focus upon particular individuals, nor were there any orders forbidding them from pursuing any leads that the investigation opened up. The court further concludes that Williams was not the victim of selective prosecution; on the contrary, his prosecution was the natural outgrowth of his initial joining with Errichetti to seek financing for the titanium mine from the undercover operatives. (Slip Opinion at 41-42)

With regard to the forged letter, the issue of Errichetti's forging of a letter over Senator WILLIAMS' signature has been raised in this Chamber again in this debate, and I believe it has generated a certain amount of confusion which can easily be cleared up. You will recall a videotaped meeting in September of 1979 at which Senator WILLIAMS and the other stockholders in the titanium venture discussed a sale of the entire project for a substantial profit plus a continuing shareholder interest, on a reduced scale, in the ongoing venture. Weinberg explained to Senator WILLIAMS at that meeting that the sale would depend on Senator WILLIAMS' willingness to continue to help get Government contracts for the new investors just as he had agreed to do for the present stockholders; and Senator WILLIAMS proposed giving the new investors "some assurance" that the original group would "be helpful to them" and continue on the same "premises" that formed the basis for the initial consortium (tape transcript at 261).

In this connection, Weinberg and Amoroso had told Errichetti that the new investors would like written confirmation that Senator WILLIAMS would continue to provide assistance in obtaining Government contracts. Errichetti then on his own initiative forged such a document and delivered it to the undercover FBI operatives.

The Government never attempted to use this document against Senator WILLIAMS in any fashion. As Judge Pratt observed in the Myers due process opinion, the Government committed no improprieties with respect to the document, which "constitutes powerful evidence of the depths of corruption to which Errichetti, an elected public official, has sunk" (527 F. Supp. at 1234).

Now the issue of the internal Government memorandum: Senator WILLIAMS has cited three internal Government memoranda, all of which he relied upon heavily in his presentation before the Ethics Committee. It has been said on the floor here that some of these were not available to the committee and we did not know about it. In each instance they were his documents which he presented to the Ethics Committee and we did in fact have them.

His presentation was in an effort to suggest that the Government itself did not believe it had a case against him. While the preliminary opinions of prosecutors as to the strengths and weaknesses of their case would not be relevant to an ultimate determination of guilt or innocence, it must be pointed out that this is in any event not an accurate characterization of the contents of these memoranda.

The first of these memoranda, dated November 27, 1979, was prepared by a nonlawyer FBI agent, summarizing a meeting at which a number of New York and New Jersey prosecutors were present. This was Senator WILLIAMS' exhibit 39-A at 95. As Judge Pratt has observed, this prosecutors meeting brought to the surface an ongoing disagreement between the Brooklyn and New Jersey prosecutors over the Brooklyn office's Abscam investigation in general and the Williams case in particular. The New Jersey prosecutors—whom Judge Pratt found were professionally jealous and embarrassed because the Brooklyn office's investigation had uncovered a nest of political corruption in their State—felt there was insufficient evidence to proceed against Senator WILLIAMS at that time. The Brooklyn prosecutors felt there was a "prima facie" case, but not an "open and shut" case. It was agreed that additional evidence, such as the January 15, 1980 meeting, should be sought in order to assure conviction.

The Government of course—and this is important—was not bound by such an internal preliminary evaluation of the strengths and weaknesses of its case against Senator WILLIAMS. And as Judge Pratt ruled, in denying Senator WILLIAMS' due process claims, this memo was inadmissable at trial since opinions of Government counsel about the strength or weakness of their case are irrelevant to the jury's determination of guilt and innocence (Pratt Op. at 55).

It should also be borne in mind that Senator WILLIAMS had, at the time this memorandum was written in November of 1979, already engaged in a number of unethical acts, which I submit to the Senate would warrant his expulsion even absent the additional evidence against him which was obtained as a result of his subsequent videotaped meeting with the sheik in January 1980.

While I will shortly review the record of that misconduct in somewhat greater detail, it is well to recall now, because of the arguments that have been made, that by November of 1979 Senator WILLIAMS had promised his assistance in obtaining Government contracts, in exchange for a loan to the titanium venture; received stock in the titanium venture; agreed to conceal his interest in the titanium venture, and explored the use of a blind trust so that in his own words "nobody knows nothing;" and agreed to assist a second group of investors in procuring Government contracts, in the hope of obtaining a share of a substantial profit from the sale of the entire venture.

These are all matters which took place prior to November in that year, and on which a conviction has been obtained.

I submit that we in the Senate should not allow our decision here today to be affected by the opinions of the various Government agents given in November of 1979 regarding the strengths and weaknesses of the case against Senator WILLIAMS any more than we should allow ourselves to be affected by the fact that Senator WILLIAMS was subsequently indicted by a grand jury or convicted by a petit jury applying the highest burden of proof. We must make this decision based upon our own standards and our own judgment as to the evidence of Senator WILLIAMS' misconduct.

The same is true of the other two excerpts from memoranda cited by Senator WILLIAMS, both of which were authored by Robert Stewart, a member of the New Jersey strike force, who was critical of the Brooklyn office's Abscam investigation.

Once again it was said that this first memorandum had not been seen by the committee. But it was Senator WILLIAMS' own memoranda, and it was his exhibit 1 and his exhibit 52 in the proceedings before the Senate Ethics Committee.

It is also important to note that Senator WILLIAMS has reacted from the first of these two Stewart memoranda, which is at page 879 in the exhibit book, the following conclusion drawn by Mr. Stewart about Senator WILLIAMS' conduct. This was not part of what Senator WILLIAMS submitted here. It was simply taken out of the Stewart memorandum. It was submitted to the committee as evidence, and the quotation is as follows from the Stewart memorandum:

In W's case,

Senator WILLIAMS stood on the floor and said "W" was he—

of course, he subsequently made statements which discredited him, at least morally.

And as the U.S. attorney for New Jersey, Mr. Del Tufo, acknowledged, Senator WILLIAMS:

Shouldn't have been in the room with those people. He shouldn't have done the things that he did.

Thus while the New Jersey prosecutors may, for whatever reasons, have been critical of the investigation being conducted by their colleagues from Brooklyn, it is clear by their criticism of that investigation that they were not signaling their approval of Senator WILLIAMS' behavior.

It is that behavior the Ethics Committee examined and found so ethically repugnant as to warrant the recommendation of expulsion.

Let me talk for a minute about Dr. Shuy. In response to a question from Senator LONG, Senator WILLIAMS stated that Dr. Shuy could have been called as a witness at his trial which took place during March and April and May of 1981, but that for tactical reasons recommended by his trial counsel, Mr. George Koelzer, Dr. Shuy was not called as a witness.

Mr. Kenneth Feinberg, counsel for Senator WILLIAMS at the July 1981 hearing before the Ethics Committee, also apparently determined not to call the linguist for technical reasons.

However, when Senator WILLIAMS appeared before the Ethics Committee on November 16, 1981, this past fall, with his new counsel, in an effort to persuade the committee to reopen his hearings, he testified as follows, and I quote:

I would say this, if I could interrupt for a moment. This whole linguistic analysis is a newly discovered professional technique to me. Koelzer didn't know about it. Feinberg didn't know about it. I didn't know about Dr. Shuy until long after our hearing. It was a revelation to me. I sat before you gentlemen, I was abject in my description of my regret that I had boasted and a few other things. You know, as you analyze these tapes, as I have done with Dr. Shuy, hell I am not apologizing any more. (10/16/81 Transcript at 58).

Apparently for tactical reasons Senator WILLIAMS now chooses to present Dr. Shuy's report to the full Senate.

That report, which attempts to drain highly incriminating conversations of their content by charting them as numbers in columns with vague headings like "Request Information" and "Report Facts," fails to consider a number of the most culpable of Senator WILLIAMS' statements, and draws highly questionable conclusions about others. Moreover, I respectfully submit to you that no linguistic analysis can adequately answer these concerns of the Ethics Committee regarding Senator WILLIAMS' conduct:

First. Why did Senator WILLIAMS attend seven meetings regarding this illegal scheme?

Second. Why did Senator WILLIAMS accept shares of stock in the three corporations formed to own the titanium venture?

Third. Why did Senator WILLIAMS suggest that the stock arrangements be handled through Alexander Feinberg, and agree that the shares would be issued in Feinberg's name and endorsed over to the Senator in blank?

Fourth. Why did a U.S. Senator make reference to the comparative strengths of the United States and the Soviet Union in the context of Government contracts, and in the presence of a foreign sheik and an obviously corrupt politician like Mayor Errichetti?

Fifth. Why would a U.S. Senator use the names of the leaders of our Nation to impress a foreign sheik for personal business gain?

Sixth. Why did Senator WILLIAMS suggest selling the entire mining venture to a second group of Arab investors for a substantial profit with assurances that he would continue to assist in securing Government contracts?

Seventh. Why did the Senator ask how are we doing on owning "the whole bucket?"

Eighth. Why did Senator WILLIAMS give his absolute pledge to do every thing in his power to assure permanent residency for the sheik, in exchange for the sheik's promise that the loan to the titanium venture would be made by the end of the month?

Ninth. Why would a Senator allow Errichetti to describe in his presence how he would be used in connection with this illegal scheme?

Tenth. In short, why did not Senator WILLIAMS say "No!" Why did he not walk out of that first meeting and never return? Or any subsequent one? Why did he not act either by word or deed to show distaste, disagreement, outrage at what was being discussed in his presence at meeting after meeting? Why did he actively participate as an insider in this obvious scheme of corruption?

Judge Pratt found that the videotapes provided substantial guarantees of reliability. He said in the Congressmen's cases, in a view which he again adopted in Senator WILLIAMS' case:

A more reliable basis for conviction can hardly be imagined. Through the videotapes the juries were permitted to see the actual crimes committed. Compared to the ordinary trial where oral testimony can best only partially recreate an event, the reliability of the Abscam evidence was increased many times over.

Moreover, it should be emphasized that during the committee hearings our special counsel examined Senator WILLIAMS regarding what was seen on the tapes. The Senator not only did not question the accuracy of the tapes, but admitted that he made the statements contained in them. Yet we are now being told that we cannot understand the words and deeds of one of our own colleagues, as recorded on these tapes, without the aid of a linguist to interpret them for us. I ask you, who then will interpret our words for us when we address each other in debate on this floor?

Finally, it must be remembered that the decision of the committee was not based solely upon the tapes, but that we carefully considered the explanations offered by Senator WILLIAMS to the voluminous evidence before the committee.

Now, it must be remembered that Senator WILLIAMS told the committee—and I want to read to you his own statement.

Why do I even appear on the tapes saying the things that I say? Only I can answer this question. No pertinent testimony of others can be read into the record to enlighten this Committee. And no tape can be played in some futile search for an answer.

I became involved in Abscam and appear on the tapes because I was asked to do so by particularly close friends and because I wanted to help them if I could legitimately do so.

Having since examined all of the tapes which appeared at trial and during this proceeding, I am forced to admit, with great sadness, that I am not a good judge of friends. My friends asked me to perform a role that they said was important to them, and their financial well-being. I permitted those feelings of friendship to override my judgment.

That is the testimony given at the investigatory phase of the committee hearings on Senator WILLIAMS.

Now, let us just for a minute review the evidence. Senator HEFLIN, the vice chairman, did a superb job of examining that in detail. I will not go into the details but will reveal basically the evidence which brings us to the conclusion presented here.

V. REVIEW OF EVIDENCE

SENATOR WILLIAMS TRADED ON HIS OFFICE IN ORDER TO OBTAIN A LOAN FOR THE TITANIUM VENTURE

Senator WILLIAMS has strenuously denied to the Senate that he promised to help obtain Government contracts—he did on Thursday last and again today—and to obtain passage of a private immigration bill in exchange for a loan to the titanium venture. But a brief review of the evidence in this matter, so ably presented in detail by the distinguished vice chairman of the Ethics Committee, Senator HEFLIN, at the opening of this debate, clearly refutes the Senator's contentions. First, Senator WILLIAMS was not merely a passive listener or outsider, even at the so-called coaching session prior to his June 28, 1979, meeting with the sheik. For instance, when Mel Weinberg told the Senator how important it was to impress the sheik with his ability to get Government contracts, Senator WILLIAMS responded:

Well, that's why it comes down to metal is the big thing, that's the government's area. (Tape Tr. at 95.)

This representation by Senator WILLIAMS, that the Piney River mine was a potential source of titanium ore which could be manufactured into metal for national defense purposes, plainly contradicts Senator WILLIAMS' statement on the floor that he always believed the titanium was to be used only for paint and that Government contracts were therefore never a possibility.

In his June 28 meeting with the sheik, Senator WILLIAMS again underscored the value of the mine as a source of titanium metal for the Government, pointing out the competitive disadvantage of the United States vis-a-vis the Soviet Union in the development of a titanium sheathed submarine, and highlighting the role he could play—because of his "position * * * within our Government"—in promoting its sale. I quote from the transcript of Senator WILLIAMS:

* * * If this can be put together in my position with, within our government here, which goes back decades, and knowing as I do the people that make the decisions with, when we've got it together we move. We move with our government and we catch up, we go ahead, we have what we need, which we don't have now. (Tape Tr. at 108.)

In admittedly boasting about his friends in Government, Senator WILLIAMS mentions the President, Vice President, and Secretary of State, and he goes along with Errichetti's listing of the Secretaries of Defense, Navy, and Army. More importantly, when DeVito asks whether, given this litany of high officials, getting contracts would be a problem, Senator WILLIAMS responds with the flat assurance there would be none:

No problem. No. In a situation where we can just sit around and describe, they'll see, it will come to pass. (Tape Tr. at 112.)

This assurance that his political influence as a U.S. Senator could be translated into Government action follows shortly upon Senator WILLIAMS' reference to himself and Errichetti as a powerful and effective team, when he states:

And we've got a combination here, we're a couple of Senators and uh, we, we we when we work together, Senator Errichetti and I, it works. (Tape Tr. at 109.)

Again, Senator WILLIAMS is no passive listener, no outsider merely offering linguistic "lax tokens," when he makes this pitch, which Errichetti then obligingly picks up, elaborating on how he and Senator WILLIAMS will work together:

Uh, but the contracts with the government, which is to the Navy Department, the Army, the defense, that's where the Senator will utilize me, uh, work together in regards to guaranteeing these necessities, commodities, commodity, titanium for the building of submarines and aircraft that are needed for our country. Uh, as for the Senator, well, uh, he'll pick up the phone and I will be the emissary as per se. (Tape Tr. at 113.)

In the face of these clear descriptions of the intended abuse of Senator WILLIAMS' position and power, DeVito remarked that the Senator could possibly reach into other areas, and manipulate behind the scenes, and Senator WILLIAMS declares:

* * * We have a relationship that will make all of that possible. That's that's all I want to tell you now. (Tape Tr. at 116.)

While his linguist would have us believe that Senator WILLIAMS is here merely deferring the topic, viewed in context this is an assurance that he and Errichetti can be helpful in areas other than Government contracts as well.

The evidence clearly establishes that Senator WILLIAMS' assistance in obtaining Government contracts for the venture was a predicate commonly understood by all those involved in the deal. In meetings attended by the Senator months after the June 28 coaching session, without the sheik there to impress, it is plain that the others involved are looking to the Senator to help get Government contracts and that they regard his role as a key to the success of the venture. For example, in the discussion of September 11, 1979, regarding the sale of the venture to a new group of Arabs, Weinberg spells out for the Senator the condition that he continue to assist the new group of Arabs in getting Government contracts, saying "the whole thing depends upon you to work the same capacity as you working for us to get the Government contracts." (Tape Tr. at 236.) Senator WILLIAMS expressly confirms that the new group of investors is "talking about Government contracts" and that their interest is in titanium metal. (Tape Tr. at 246.) He then proposes to the others that they collectively give the new investors "whatever they feel there is some assurance this entity will continue with them." and "be helpful to them" stating that "we all got this together on certain premises and they will, they will continue." (Tape Tr. at 261.) The others enthusiastically agree to this proposal, the key to which is Senator WILLIAMS' willingness to continue along the same premises as with the initial deal, namely, that he would help get Government contracts.

Similarly, on October 7, 1979, Senator WILLIAMS asks what the new group of Arabs "know to keep the deal about all of the arrangements." Weinberg responds that "all they know is that you will help to get the Government contracts," and Feinberg explains, "to open the doors, open the doors." (Tape Tr. at 334.) While his linguist would neutralize this question by simply recording it as a numerical entry on a two dimentional grid in column labeled "Request Information," the tapes graphically reveal a U.S. Senator confirming the details of a conspiracy in which a vital element is his own fundamental violation of the public trust.

Finally, on January 15, 1980, Senator WILLIAMS meets again with the sheik. Although the Senator rejects the offer of a cash bribe, he ties the concept of assistance with the sheik's residency problem to the titanium deal, stating that he finds it "desirable" to help the sheik with his "personal situation" as "part of creating something of value, bringing in that ore." (Tape Tr. at 356.) The sheik then indicates that with this assurance the loan will be consummated by the end of the month. (Tape Tr. at 359.) Senator WILLIAMS in turn gives the sheik his "absolute pledge" to do everything in his power to advance the sheik's permanency, and the meeting ends with a reference by the Senator to DeVito that he and the sheik had "a

handshake" on the "understanding." (Tape Tr. at 361.)

Faced with this evidence, how can the Senate accept Senator WILLIAMS' assertion that he never promised to use his influence to help get Government contracts for the titanium venture, in which he and his friends had an interest? I submit that no amount of linguistic analysis can brush away the fact such a promise was made by Senator WILLIAMS to induce the sheik to make a loan to the venture; and further that Senator WILLIAMS made an absolute commitment to do everything in his power to assist the sheik with his immigration problem as a further inducement for that loan.

SENATOR WILLIAMS RECEIVED A VALUABLE INTEREST IN THE TITANIUM VENTURE

Senator WILLIAMS has also maintained that he never received "anything of value from anybody." (Hearing Tr. at 128.) It is undisputed that the Senator received stock in each of three corporations organized to own and operate various components of the titanium venture. He contends, however, that he knew all along that all of that stock was worthless.

As Senator HEFLIN discussed last week, value for purposes of bribery and conflict of interest is subjective, a question of whether the public official believes he is receiving something of present or prospective value to himself or others. Judge Pratt's instructions on this point to the jury in Senator WILLIAMS' case provide a useful guide here:

A loan of money would be a thing of value. Stock could also be a thing of value if, regardless of its actual worth in the commercial world, you find that defendant Williams believed the stock had value for himself. [Trial Proceedings (Part 5) at 4911-12.]

Senator WILLIAMS' statements that he knew the stock to be worthless are inconsistent with his testimony at both his criminal trial and before the Ethics Committee that he believed the mining properties which were owned and to be acquired by these corporations were valuable, and that he was being truthful when he represented them to be valuable in his conversations with the sheik. (E.g., Hearing Tr. at 143.) Indeed, even before Abscam, Senator WILLIAMS had introduced his friend Sandy Williams to Joe Fowler, former Secretary of the Treasury and a partner in a major investment banking firm, in an effort to arrange financing for the Piney River mine because he believed it to be a valuable property. (See Committee Hearing Tr. at 138.)

He represented time and again to the committee that it was a legitimate business deal because this was a valuable property.

In his meeting with the sheik on June 28, 1979, Senator WILLIAMS placed particular emphasis on the value of titanium metal, stating at one point:

And this of course, is the most valuable metal. Uh, the sponge that goes into the metal is, is, is, is in the market for that is $8,000 a ton. We've got 30,000 tons we could produce a year. Therefore, with what we got of this value, knowing the need of our country, being here in a position to go ah, well you know, right to the top on this one (Tape Tr. at 109).

Summarizing for the sheik at another point on June 28, Senator WILLIAMS remarks:

None of us have time to be wasting on trivia and this is important because of its important (sic), it's of great value (Tape Tr. at 125).

Similarly, on September 11, 1979, when Senator WILLIAMS participated in a discussion with Errichetti, Weinbeg, Amoroso, Feinberg, and Sandy Williams regarding the sale of the entire mining venture to a second group of investors, it is Senator WILLIAMS who observes that the venture had the potential to produce either metal (at the plant located at the Piney River site) or paint products (at a facility in Georgia which the group was attempting to acquire from the American Cyanamid Corp.). It is Senator WILLIAMS who describes the venture as a "two-way operation" and suggests raising the price because of this unique aspect of the venture (Tape Tr. at 257). Finally, on January 15, 1980, Senator WILLIAMS again stresses the value of the Piney River property, a subject which he and not the sheik raises, and which he and not the sheik connects to the issue of assistance with the sheik's permanent residency. Let me read once more Senator WILLIAM'S own words upon the sheik's return to the room:

HW. Forgive me, I smoke. I, er, I will not impose this upon you. No, the er, my interest is with my associates. To, to see this very valuable mining area, er, appropriately developed. It's doing nothing now. There is the, there is the ore, there's the titanium. There is the iron. There is the phosphorous. All of them are needed and yet nothing is happening. So my only interest is to see this come together. And the, and the, the elements that I can help with, your, your personal situation. Er, I am very, I find it, er, a desirable thing to do for you, personally. And it's part of creating something of value, bringing in that ore (Tape Tr. at 356).

From these words, conveniently ignored by his linguist, it is clear Senator WILLIAMS believed the Piney River mine and the titanium it could produce to be a great value, especially inlight of its applications to the national defense. To now say, as Senator WILLIAMS does, that the Government did not believe Senator WILLIAMS' stock in that venture is to lose sight of the issue. The issue is not what the Government believed but what Senator WILLIAMS believed. The Government knew what Senator WILLIAMS did not know—that the sheik was an undercover FBI agent, and that no loan would ever be made to the titanium venture. Obviously, with that knowledge, the Government's estimate of the value of the stock would be radically different from Senator WILLIAMS'. But it is Senator WILLIAMS' subjective belief that counts, and his own words and deeds confirm that he believed the stock to be valuable.

SENATOR WILLIAMS SOUGHT TO CONCEAL HIS INTEREST IN THE TITANIUM VENTURE

Senator WILLIAMS denies he sought to conceal his interest in the titanium venture and insists that he always spoke out in favor of disclosure. He points to a part of a conversation in May of 1979, before any stock had been issued, in which he noted that if stock were to be issued to him, he would have to disclose his interest. But he leaves out the very next words of that conversation, an exchange between Weinberg and Feinberg, in which Weinberg says "you can put any name down," and Feinberg replies, "I know that, I understand that" (Tape Tr. at 391).

This of course is exactly the arrangement that was worked out by Feinberg with Senator WILLIAMS' express approval. Feinberg recognized that the reason why stock shares could not be put in the Senator's name was that, if the Senator's name were revealed he would not be useful in getting Government contracts: "Then he can't help us. So I don't want to put anything in his name" (Tape Tr. at 72).

Feinberg therefore decided that the best approach was to issue the shares of stock in his, Feinberg's name, instead and deliver them to the Senator, who could fill in his own name at the appropriate time—that is, after leaving the Senate (Tape Tr. at 91-92). During a phone conversation with Weinberg, Feinberg explained that the 18 shares to be owned by Senator WILLIAMS in each of the three corporations to be formed would be issued in Feinberg's name and endorsed in blank because it "has to be that way." * * * "Because as soon as you put his name in you, you, you've killed it" (Tape Tr. at 136-37.)

Senator WILLIAMS himself made a number of statements clearly indicating that he wanted to conceal his interest. On June 28, 1979, undercover FBI agent Amoroso raised the question of Senator WILLIAMS' stock ownership "and how to conceal it best," to which Senator WILLIAMS responded that he would work his arrangement through Alex Feinberg; and after being told that his shares would be put in Feinberg's name, that Feinberg would endorse them, and that if the Senator wished, he could maintain possession of them, Senator WILLIAMS stated, "That's the way to do it. Yeah." (Tape Tr. at 112, 113, 127.)

Remember that. He is his friend, not a Government agent, his longtime friend.

On August 5, 1979, at a meeting at the John F. Kennedy International Airport in New York, the shares of stock which had been prepared in the agreed-upon manner were delivered to and accepted by the Senator. And when again told that they were endorsed in blank by Feinberg, the Senator asks: "And he just endorsed these over then." DeVito says "Yeah," the Senators says "In blank," Weinberg says "Right" and the Senator says "Very good" (Tape Tr. at 186). It is then explained to the Senator that transfer of the stock by the other shareholders had been restricted to protect him against disclosure of his interest to outside parties, to which the Senator responds, "Right" (Tape Tr. at 187-89).

In a meeting on September 11, 1979, at the Hilton Hotel at John F. Kennedy Airport, at which the proposed sale of the venture is discussed, it is made perfectly clear to Senator WILLIAMS that the deal with the new purchasers depends upon the Senator's agreement to help them get contracts with the Government, but that his interest in the new venture and involvement on behalf of the new investors will continue to be concealed. Alexander Feinberg tells the Senator:

> Pete, the 18 shares will actually be divided physically absolute and yours'll be held in absolute confidence under a blind whatever the hell (Tape Tr. at 236).

Weinberg then reiterates this point, stating:

> But the whole thing depends upon you to work in the same capacity as you working for us to get the government contracts. Ya do it for them. No, in no way would your name be mentioned there or any shares in your name (Tape Tr. at 236).

On October 7, 1979, the sale to new purchasers having been approved, Senator WILLIAMS tells DeVito and Weinberg that he and Feinberg have not yet figured out how or when he would "go public with something or other." After DeVito recounts that "everything was going to be hidden, and you were going to be behind the scenes," a discussion ensues about the possibility of using a blind trust. That the concept of a blind trust was intended to be nothing more than a "gimmick," as DeVito described it, for circumventing the requirements of disclosure, is evident from the Senator's own statement: "Now, if it's a blind trust, er, then that's the way for my purposes * * * "and nobody knows nothing" (Tape Tr. at 337).

In light of these facts, I submit that no reasonable conclusion can be drawn other than that Senator WILLIAMS, believing he had a disclosable interest, participated in a concerted effort to conceal that interest and circumvent the required disclosure.

Next, Mr. President, I should like to deal with the hypothetical of the Senator from Hawaii, which he proposed to the Senate.

In an attempt to minimize the seriousness of the misconduct of Senator WILLIAMS, the distinguished Senator from Hawaii asks—What did he do wrong? He then gives us a hypothetical case in which a mayor of one of his islands seeks him out for political help in connection with a geothermal plant to be built in Hawaii for the benefit of his constituents. We are told by the distinguished Senator, that this is why we are here; to help our constituents. It is suggested, quite rightly, what is wrong with helping?

Let me respond to this argument by saying, Senator WILLIAMS did a lot that was wrong, and that the hypothetical example given us by Senator INOUYE is simply not the case before this body. From the evidence reviewed by the committee and now before this body, it is clear that this is not a case of helping constituents.

First, it should be remembered that Senator WILLIAMS and his friends were not seeking a loan or financial benefit for companies in New Jersey and these transactions would have brought no benefit to New Jersey. The only benefit to be derived by New Jersey constituents was the illegal and unethical lining of the pockets of Senator WILLIAMS himself and his close friends and associates. I am sure that Senator INOUYE helps his constituents effectively but also honestly. Had Senator INOUYE helped this hypothetical mayor, would Senator INOUYE have taken a "piece of the action"? Would Senator INOUYE have agreed to receive certificates of stock ownership issued in someone else's name and endorsed over to him in blank by the likes of Alexander Feinberg, who was identified as the purported bagman of Senator WILLIAMS? Would Senator INOUYE have agreed to conceal his interest? Does anyone in this Chamber believe that Senator INOUYE would work closely with the mayor of one of the islands if he, like Mayor Errichetti, was motivated by greed and was mired in the depths of corruption? Would Senator INOUYE agree that he and a mayor like Errichetti could "move mountains" when they worked together? The DANNY INOUYE that I know and respect so much would have no part in such ethically repugnant conduct and corruption.

Would Senator INOUYE have excluded his staff on a substantive "special project" for his constituents?

Would Senator INOUYE allow a local mayor to say in his presence that the political power of the Senator INOUYE was essential to the success of the venture, and that Senator INOUYE would trade on that power and relationship to push a venture in which they both had a financial interest?

Think for yourself. I doubt that. I know that not to be the case.

Would Senator INOUYE concur that the way to hide the Senator's financial interests was to use a blind trust so "nobody knows nothing"?

Would Senator INOUYE participate in the following discussion, which occurred on June 28, 1979, and comes directly from the taped transcripts, starting with Tony DeVito, who is the FBI man, and Angelo Errichetti, the Senator's friend and political cohort from New Jersey, and Senator WILLIAMS himself. It starts as follows, with Tony DeVito:

> TD. Ya know, this is, this is why I wanted you to meet with the Sheik and he wanted to meet with you because I think without you, originally, uh, without you, I think he would've felt it was just another business deal.
>
> AE. Well, without the Senator, there is no—forget it. There's no, no mines or nothing. In fact, the Senator, Pete had the opportunity, wherewithal and the know-how in his position as the United States Senator. Fifth, You're what, Chairman of the Labor——
>
> HW. Yes. I, I've been here decades and, uh, in that position you come up to those positions and you work with the people that make the decisions.
>
> TD. Right.
>
> HW. I'm very close to them. Uh, very close. That's that's no problem and, uh, the way I am, my personality, I have I, I only involve myself in something that I, I just completely believe in and this one, this whole situation we've presented through the mine, the processing and the product. I believe it, you know. With, with, with great great pleasure talk to the President of the United States about it and, you know, in a personal way and get him as enthusiastic and excited because we know what our country needs. Yeah.
>
> TD. Well——
>
> HW. Matter of fact——
>
> TD. What-more important, through your connections in the——
>
> HW. Yeah.
>
> AE. The Senate?
>
> TD. Senate and the people from the State Department. Ah——
>
> HW. (continued). Well, no-yeah, as a matter of fact——
>
> TD. You know as a matter of military, military——
>
> AE. His personal——
>
> HW. The Sec-Secretary of State is a neighbor back in New Jersey. We live in the same town. Yeah, we're very close, very close——
>
> AE. Secretary of Defense, personal friends of Pete.
>
> HW. Yeah.
>
> AE. Secretary of the Navy, Secretary of the Army, people that are gonna be utilized——
>
> HW. And the Vice President used to work for me, on the committee.
>
> AE. That's right.
>
> HW. I was his Chairman and we were very, you know, that's the way it goes, very close.
>
> TD. Well, then, there—in that respect, then, with you being in that position and contracts and, uh, the like would not be a problem.

HW. No problem. No. In a situation where we can just sit around and describe, they'll see, it will come to pass.

TD. O.K. Now I, I talked with, uh, the Mayor and Alex and we were discussing your shares and how to conceal it best and ah, we came up with who, who do you want, or what name or how are we gonna handle it as far as you're concerned.

HW. Well, in my situation, uh—with with Alex, you met him, you know Alex, uh, we've been very close. We ran for office together, by the way.

TD. Right. I, I understand that.

HW. Back in——

TD. He told us (IA).

HW (continuing). In 1956 and, uh, we're that close and we I, I would work my arrangement, my situation with Alex and, uh, this is, you know, we're not gonna be, I'm not gonna be in this situation forever and I want to have a you know foundations with give me that independence when I, later time (IA).

TD. Alright. Well, then we're agreed on the—I just wanted, uh, for you to tell us who you wanted to have it in——

HW. Alex.

TD (continuing). So that we're gonna put your shares in Alex's name——

HW. Alex.

TD (continuing). And he will control them and I think, ah, he's gonna actually sign them and then, if you want, you can maintain possession of them.

AE. (IA) as he sees fit.

HW. That's the way to do it. Yeah.

TD. O.K. this, this way——

AE. It avoids, it avoids any confrontations or embarrassments or whatever.

TD. Yeah, this way there would be no, there would be no connection between you and the company that's formed so that somebody could not later go back and say that you're using your influence to——

HW. Well.

TD (continuing). To do that.

HW. Understand.

AE. That's covered. That's covered as far as, uh, Alex, Alex's situation.

TD. Ah——

AE. Uh, but the contracts with of the government, which is to the Navy Department, the Army, the Defense, that's where the Senator will utilize me, uh, work together in regards to guaranteeing of these necessities, commodities, commodity, titanium for the building of submarines and aircraft and other defense materials that are needed for our country. Uh, as for the Senator well uh he'll pick the phone up and I will be the emissary, as per say. So that we have a clean, efficient, well-managed operation that it produces the end result of a multitude of dollars to be made in loans, profits, or whatever have you. That's where (IA) the senator's as far as picking up the phone, is essential, because you know, truthfully, Sheik, without the Senator there would be nothing. It's his position, power, where he sits, with friends, being in Washington, what twenty years now?

HW. More than that Alex.

AE. Twenty——

HW. Uh, Alex—Eric. Yeah, more than that. I came here in 50, 1953. The other, over in the House of Representatives and then in 1958 to the Senate, so it's a little more than more than twenty years, yeah.

AE. Eighty percent of all the bills——

HW. Yeah, yeah. (laughs)

AE (continuing). All the bills that have to go into this country's input in regards to laws, chairman of that committee.

HW. Well——

AE. Eighty percent of all the bills——

HW. A variety of things, both. Well——

AE. Whether involve labor. Whether they involve, education whatever.

HW. Education, health and, uh, that's out of a committee I'm chairman of and right now I just left the chairmanship of a—the Housing Committee, has the housing program.

TD. Well, with all your senority and power, I'm sure that you can reach into other areas——

HW. Oh yeah.

TD (continuing). And influence——

HW. Oh sure, yeah.

TD (continuing). Uh, influence those areas.

HW. Sure. Exactly. That's why you mentioned the Secretary of State, Secretary of the Treasury, you know, we're very close, personal friends and of course, the Secretary of State Vance, we're neighbors and so, we're close.

AE. We talked real estate. You know, this is a diverse subject in regards to investments, that can be unbelievable, untold in regards to the opportunities that present by the position of picking the phone up—whether it be housing. That can be something that we'd have down the line that would be, again, in New Jersey, particularly, where, where, again, a Senator and a Mayor could be uh most useful in regards to the needs of our our region, with the Senator who has the opportunities whether it be he—HEW or HUW, which is HUD and Health, uf, what it's Califano, isn't it? Califano's in there.

HW. Yeah, yeah.

AE. (IA)

HW. HEW is Califano. Mrs. Harris is the——

AE. You know the the system of our country, Sheik, one that seniority is probably the key word in regards to public officials, in regards to the federal level. these fellows just don't come in on the first year and become, uh, part of the system. It's proven, tried, the situation over the course of years where by seniority he becomes the fifth man in this country. Who's over you, by the way? I mean in regards to seniority. Vice President? (laugh)

HW. To—to yeah (IA) (laugh). Yeah it—the Vice President is the President of our Senate. That's his constitutional role. He, he is the presiding officer of the Senate, uh Mondale, and, of course, as I mentioned, ah we have that relationship that comes from working side by side, so many things and, uh, though all of the principal figures in this government we've, I've had a good, the best kind of background association, working as personal friends.

TD. Well, that, like we've discussed, ah that end of it is really, uh, not our concern, it's none of our business, who you go to——

HW. Yeah.

TD (contining). You know, to do——

HW. But you can be assured that we, we——

TD. (continuing). The manipulation behind the behind the scenes.

HW (continuing). We have a relationship that will make all of that possible. That's that's all I want to tell you now.

We all know that Senator INOUYE would say "No." We all know he would walk out and would not go near the cesspool of corruption, the evidence of which was so carefully and completely described by Senator HEFLIN in his opening statement last week. But Senator WILLIAMS did not say "No." He said "Yes" time and time again, in meeting after meeting. And now to avoid scrutiny of his own conduct he asks Senators to focus on the conduct of others, both real and hypothetical.

Let me talk just briefly about the sanction before concluding. Senator INOUYE has suggested that only the high crime of treason warrants the sanction of expulsion, and that cases involving what he has referred to as "financial misconduct" have in the past always received some lesser rebuke. The answer to this should be clear: The precedent of this body has not been, nor should it be, to harbor those whom we know to have violated their public trust.

The Constitution confers complete discretion upon the Senate in determining what conduct warrants the expulsion of a Member. Although the Senate has never adopted standards or guidelines for the imposition of expulsion or any other sanction, Senate committees which have in the past been charged with the responsibility of reviewing allegations of misconduct have recommended expulsion where a Member was found to have engaged in the receipt of bribes or gratuities, or in conflicts of interest, as Senator WILLIAMS has been found to have done. However, in the previous cases, the Members in question either resigned or were defeated for reelection prior to Senate action on the committee recommendations of expulsion, and the Senate has, therefore, in the past been spared the necessity of confronting this issue.

Thus, charges of bribery, or of the receipt of compensation in conflict of interest situations, have resulted in the following Senate explusion cases:

James F. Simmons (1862): Expulsion was recommended by the committee; the Senator resigned before the next session began.

James W. Patterson (1873): Expulsion was recommended by the committee; the Senator was defeated for reelection before the Senate could consider the matter.

Charles H. Dietrich (1904): The Senator was cleared of charges.

Joseph R. Burton (1906): The Senator resigned before the committee report was filed.

Burton F. Wheeler (1924): The Senator was cleared of charges.

It should also be noted that the House of Representatives recently expelled Congressman Myers based on his involvement in Abscam transactions similar to those in which the committee found Senator WILLIAMS to have participated. Clearly, there is no historical basis on which to infer that either House has reserved the sanction of expulsion solely for the crime of

treason, or that the Constitution intended us to do so.

Perhaps more important, however, is the fact that we have clearly and unequivocally expressed our views as to the appropriate sanction when an executive branch officer is convicted of a conflict of interest felony, such as Senator WILLIAMS has been on two of the criminal counts against him. If he were in the executive branch, title 18 of the United States Code, section 203, provides that any person convicted of a conflict of interest "shall be incapable of holding any office of honor, trust, or profit under the United States." Because the Constitution provides that only the Congress itself shall have the power to expel one of its Members, this statutory provision, which we ourselves enacted, does not reach our own conduct or our own office.

But it would indeed be ironic, inconsistent, and even hypocritical, were we to say that although Senator WILLIAMS' conduct would bar him today from holding office in the executive branch as say a Cabinet member, or an Ambassador, he should nonetheless be permitted, by our indulgence, to continue to serve in the U.S. Senate.

Senator INOUYE has stated that we should not substitute our judgment for that of the people of New Jersey. Yet that is precisely what the Constitution requires us to do. The people of New Jersey have no power to recall their senior Senator for improper conduct. That solemn task has been entrusted entirely into our hands. However, were Senator WILLIAMS a member of his own State senate rather than this body, the laws of New Jersey leave no doubt as to what his fate would be. New Jersey statutes section 2C:51-2(a) provide that:

> A person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof who is convicted of an offense shall forfeit such office or position.

This provision would apply where, as here, Senator WILLIAMS has been convicted of a Federal offense such as bribery which would also violate State law, and also of offenses such as conflict of interest, which touch upon his public office. Indeed, New Jersey statutes section 2C:51-2(c) provide that:

> Any person convicted of an offense involving or touching on his public office, position, or employment shall be forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions.

Again, how can this body condone the continued presence of a Member who would be barred, by his own misconduct, from holding similar office in his own State or at the Federal Government's executive level?

In accordance with Senate precedent, your Ethics Committee unanimously found that only the most severe sanction is appropriate for the extreme abuse of the public trust caused by Senator WILLIAMS conduct. For a period of more than 10 months, Senator WILLIAMS repeatedly promised to use his power, position, influence, and relationships as a U.S. Senator to foster the success of a business venture in which he and his friends had a financial interest, in exchange for the promise of a loan to that venture. In effect, as Senator HEFLIN has stated, Senator WILLIAMS agreed to sell his office for personal gain and thereby violated the trust of the public and the integrity of the Senate, as well as Federal criminal laws.

Under the Constitution, the Senate alone can preserve the confidence of the people in its integrity and the honor of its Members. Therefore, the committee's recommendation that the Senate agree to Senate Resolution 204 without amendment stands. While the full Senate as a body has never before confronted the issue whether expulsion is warranted in cases involving bribery and related crimes, the committee, like others which have come before, and like the House of Representatives in the Myers case, has concluded that any lesser sanction would break faith with the American public, which must look to us alone to preserve the integrity of their national legislature.

CONCLUSION

In this Senate Chamber there have, over the years, been many compromises on matters coming before this body. This is so because reasonable men and women of good will and integrity can differ as to the appropriate legislative response to the needs of our constituents. Compromise in such situations is totally valid and appropriate and serves to reconcile the diverse interests of our society.

In the matter before the Senate, there is no divergence of interests. Nor indeed can there be any compromise in the response to the unfortunate matter in front of us. There can be no compromise with wrongdoing, bribery, influence peddling, conflict of interest and ethically repugnant conduct. Any such compromise would taint the Members of this body and harm this great institution.

I submit in closing that our duty requires that this resolution of expulsion be passed. The interest of our Nation and the integrity of this body demand no less.

Mr. President, I yield the floor to the Senator from Alabama, the vice chairman.

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I will not attempt to try to duplicate or to add to the remarks on the various issues that the distinguished chairman of the Ethics Committee has so eloquently done.

However, there are a few matters that have come to light in the presentation by Senator WILLIAMS and by Senator INOUYE that I feel that I should comment on. I will comment where Senator WALLOP has commented only to maybe bring out a certain point and hopefully will not be redundant or to keep Senators unduly long.

I wish to mention first the statement about drugs that Senator WILLIAMS made. His two-page statement that has been passed out makes the statement:

> They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera.

And I repeat, "They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera."

Senators you are then referred to F, if you will turn with me to tab F if any of you have it. Let us see the substantiation that is used for this rather drastic statement that—

> They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera.

The only presentation comes from volume 6 at page 90 where Mel Weinberg says: "He don't drink anymore, does he?"

> ALEX FEINBERG. "Pete? No.
> ANGELO ERRICHETTI. Club soda.
> ALEX FEINBERG. Oh, no.
> MEL WEINBERG. Maybe we should give him a marihuana to pep him up.

That is all there is.

I ask Senators does that substantiate the charge, "They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera."

There have been charges that the FBI forged a letter on the stationery of Senator HARRISON A. WILLIAMS, JR., and that they forged his signature to that letter.

Senator WALLOP addressed that. I only want to mention and put in context how this occurred. It was said, "It would be nice if we had such a letter from Senator WILLIAMS to give to the second group of Arab investors." Angelo Errichetti, the mayor of Camden, the Senator, who worked as a team with Senator WILLIAMS, volunteered:

> I can provide such a letter. I can forge it.

Now, bear in mind that at this time the FBI was building a case against Mayor-Senator Angelo Errichetti. He was a suspect, he was tried later in another case, was convicted. They were building a case against him.

Therefore, they let him say that he could provide such a letter. They let him produce the stationery. They let him sign Harrison Williams' name to the letter. They were building a case against Angelo Errichetti.

Did the FBI use the letter against HARRISON WILLIAMS? They did not.

I would like to refer to Judge Pratt's dealing with this matter. In his due process hearing opinion in the Congressman's case in which Errichetti was involved, Weinberg and Amoroso had told Errichetti—

That the new Arab businessmen who were considering buying the titanium mine would like confirmation in writing that Senator Williams would guarantee Government contracts for the purchase of the titanium after the sale, just as he had agreed to do for the original investors before the sale.

Errichetti volunteered to supply such a document, indicating his willingness and ability to have it forged.

There was no impropriety in Amoroso and Weinberg permitting Errichetti to go ahead when the only result was to have the forged document delivered to them. Indeed, the document constitutes powerful evidence of the depth of corruption to which Errichetti, an elected public official, had sunk.

So again did the FBI used illegal conduct which would be reprehensive against Senator WILLIAMS? Did they forge a letter against him? Did they sink to the depths of venal conduct in this regard? When the true facts come out we realize that that is not a statement upon which you can give much credit in the allegation that "they forged documents against me," and, I think, it does not deserve much credit on your part.

There has arisen the issue of the tapes, the interruption of the tapes. There have been statements that Marie Weinberg says that Mel Weinberg lost or had stolen various numbers of tapes. So the issue of tapes and the use of the tapes have to be considered, in my judgment.

I think it is wise to go back and to consider the tape recordings and the fact that in this case you have tapes, you have films. In the normal case that is tried in court you have one witness reconstructing what is said in a certain circumstance, and he recites from the witness stand. Instead here you have on tapes the crimes being committed. Tape recordings in this case are legal and did not violate the fourth amendment, because on all occasions at least one Government agent, Weinberg or DeVito, was a consenting party to the recordings. Such consentual recordings made without a search warrant have been approved by the U.S. Supreme Court as recently as *U.S.* v. *White* at 401 U.S. 745 in 1971.

On page 753 of that opinion the United States Supreme Court states:

We are not prepared to hold that a defendant who has no constitutional right to exclude the informer's unaided testimony, nevertheless has a Fourth Amendment privilege against a more accurate version of the events in question. It is thus untenable to consider the activities and the reports of the police agent himself, though acting without a warrant, to be a reasonable investigative effort and lawful under the Fourth Amendment, but to view the same agent with a recorder or transmitter as conducting an unreasonable and unconstitutional search and seizure.

Now, Judge Pratt, in regarding these tapes, says in his due process opinion:

While he (meaning Senator Williams) grudgingly acknowledges that consentual recordings have as a matter of precedent escaped the exclusionary rule, U.S. v. White, the new counsel for Defendant Williams argues that when so many tapes are used the cumulative effect becomes unreasonable and, therefore, unconstitutional. A cynic might characterize defendant's arguments as urging that while a little truth is permissible, large quantities of truth are unconstitutional. For present purposes, however, it is sufficient to comment that there is no authority for the novel contention advanced by new counsel for Defendant Williams, and this court concludes that the argument is as wanting in logic as it is unsound in principle.

As pointed out in the Myers decision, the quality of evidence produced by tape recordings, particularly by videotapes in Abscam cases, far exceeds the sketchy imperfect evidence available in the usual trial based upon witnesses' unaided recollections.

Now, the question of whether the tapes accurately depict the Senator's conduct has been raised, and I would like to point out that in the Ethics hearing the special counsel for the Ethics Committee and counsel for Senator WILLIAMS stipulated as to the authenticity of the tapes and the transcripts presented at the committee hearing, as to the authenticity of the fact that they were the same ones that had been introduced in the trial of the criminal case, and they also stipulated as to the authenticity, that there is testimony that he said these things that were recorded on the tapes.

During the questioning at the hearing Senator WILLIAMS was repeatedly asked whether he made the specific answers which he made in the transcript, and he answered, "Yes," in respect to each of them.

The committee has now no reason to believe, the committee had then no reason to believe, that the tapes do not accurately record what happened. No evidence was presented at the trial or before the committee that suggests any significant events were not recorded or that the tapes were altered in any way.

It might be noted in this regard that Judge Pratt admitted the tapes and the transcripts at the trial over the objection of defense counsel, but authorized Senator WILLIAMS to submit to the jury his own transcript of the tapes if he found the FBI transcripts to be inaccurate.

Senator WILLIAMS did not permit any such substitute transcripts, and Judge Pratt ruled that the tapes were highly reliable.

In regard to the linguist, Professor Shuy, if you will recall in the linguist's report in regard to the vote on whether to sell to the second group of investors, they went around and questioned all five of the people involved in the corporation, and each said, "Aye." The linguist comes up with a question as to whether the transcription on the tape was such as to whether you could hear the word "aye" from Senator WILLIAMS. However, the tapes had been previously transcribed, put down in writing. Senator WILLIAMS was given an opportunity to have a substitute or to point out that that transcription was inaccurate, and he went through the trial without having any corrections. He went through the Ethics Committee hearings without any corrections.

Now, if he did not say so, it would appear to me that it would have been most important to have brought that to the attention of the jury and to have brought it to the attention of the Ethics Committee at the time that it came up.

Now, there have been some allegations that some tapes were lost. Even if tapes were lost by, or stolen from, the Government, there is no evidence to suggest that Senator WILLIAMS has in any way been prejudiced by the loss or the theft of such tape recordings.

General allegations regarding loss or stolen tapes were repeatedly made at the Senator's and the Congressmen's trials and due process hearings, as well as before the committee. Senator WILLIAMS, as well as the Congressmen and other Abscam defendants, had ample opportunity to testify as to the existence of exculpatory meetings or conversations, tapes of which may have been lost, stolen, or never made by the Government. However, no witness, including Senator WILLIAMS, has ever been able to identify a single such conversation or meeting.

Now, there has been a question raised about the timing of the interruption and whether it was done to prevent Senator WILLIAMS from explaining. I read from the committee's report on page 98, if you have it:

At the outset it should be emphasized there is no evidence that any exculpatory conversations involving Senator Williams were not recorded, either on tape or on a Form 302, or that any tapes of such conversations were erased, lost or stolen. As Judge Pratt observed in dismissing these same contentions as made by the Congressmen, "none of the defendants has shown any direct or specific harm resulting from the alleged lack of supervision." Nor has any indication of how any such conversation could exculpate Senator Williams been offered. And as to the interruption of Senator Williams' refusal of the cash bribe offer by the Sheik on January 15, 1980, the Senator's testimony at trial indicates he had essentially spoken his piece on this subject:

These questions were asked of Senator WILLIAMS at the trial.

Q. You never finished your answer or your statement to the sheik?

A. I didn't?

Q. The screen now goes blank for a minute or two. What were you going to say?

A. Just going to explain to him that in our country a public official doing the public work does not accept money for anything he might do in connection with his public position.

I might have gone to—gone on to—and I probably would have——

Now, that appears in the trial transcript. He was asked at the trial: "Well, what else would you have said or what would you have said if the interruption had not occurred?"

Senator Williams has had nothing more to add on this subject, either at trial or at the hearing.

Judge Pratt has already found, with respect to identical allegations in the Congressmen's cases, that no inference of misconduct or evil intent is warranted based on the evidence on these points. More particularly, Weinberg's compensation was found by Judge Pratt not to have been contingent upon obtaining convictions, contrary to the suggestion in Exhibit 32 offered on behalf of Senator Williams.

Finally, Judge Pratt found the tape recorded evidence to provide substantial guarantees of reliability:

A more reliable basis for conviction can hardly be imagined. Through the videotapes the juries were permitted to see the actual crimes committed. Compared to the ordinary trial where oral testimony can best only partially recreate an event, the reliability of the Abscam evidence was increased many times over.

Now, there has been another issue in regards to the issue of missing tapes.

Judge Pratt deals with this issue in the due process hearing.

All defendants argue in one way or another—

This is at the Congressmen's case and others—

That entire tapes or parts of tapes are "missing." This argument is directed not to any videotapes, but only to audiotapes, most of which were recorded by Weinberg. In some instances, entire conversations were not recorded; Weinberg explained that he sometimes had conversations over the telephone when his recorder was not available, and that at other times he did not have blank tapes available. On occasion Weinberg recorded over a previously recorded conversation that he regarded as unimportant. There is no evidence that the recordings thereby erased were anything but what Weinberg judged them—unimportant. Once when he was flying to New York from Florida, a number of tapes, less than 10, were stolen from his flight bag, an incident he promptly reported to Amoroso. With some conversations the recorded portion does not begin until after the conversation had obviously begun; with others, the recorded portion ceases before the conversation ends.

All of these claims add up to an assertion that not every conversation during Abscam between Weinberg and various subjects was preserved in a recording. As already discussed, however, this is not a constitutional defect. While it offered to defendants an argument to the jury as to the credibility of the government's case, the argument did not prove to be persuasive.

The Myers defendants argue, in addition, that the "missing" tapes require an inference that they contained exculpatory material. However, they explain neither what effect the inference should have nor in what way the unrecorded conversations could exculpate any of the defendants. Nor did they request such a charge to the jury.

Perhaps defendants seek a "per se" rule that whenever a law enforcement agent fails to record a conversation the defendant automatically must be acquitted on the presumption that the unrecorded material would have totally exonerated him from guilt. Such an argument must be rejected out of hand as frivolous. Trials are a search for truth and fairness, not a game to be run by automatic, unrealistic rules. Absent even a hint of what benefit to defendants the information on the "missing" tapes would offer, the effect of any "missing" tapes ceased to be relevant upon the return of the juries' verdicts.

Now there has been some discussion in regards to the time of the interruption on January 15. And I think we see from the evidence that the first interruption when the sheik left lasted 1 minute and 31 seconds and the tape was cut for 1 minute and 12 seconds. The second interruption, when the sheik is out of the picture, lasted 38 seconds and the tape was cut out for 25 seconds. So I think that in regards to this matter that this is a matter that we ought to consider, it is a matter that an interruption occurred, but at the same time we realize that there has been no evidence that the interruption kept Senator WILLIAMS from explaining his position. He was asked that on trial. When the tape started running, the film started running again, he spoke up, went back to the subject, nothing regards to the cash offer of a bribe. And then he went into other language.

In regards to the tapes, I do want to point out that in the course of the committee's hearing, the attorney representing Senator WILLIAMS raised the issue of missing or erased tapes, but concluded, after pointing out that there was testimony regarding missed or erased tapes, that there is no evidence that these particular conversations is actually tapes involving Senator WILLIAMS, either video tapes or specific audiotapes that has been erased.

So they went into the issue of the missing and erased tapes and his own counsel before the Ethics Committee comes forth with the statement that there is no evidence in these particular conversations that it is actually tapes involving Senator WILLIAMS, either video tapes or specific audiotapes that have been erased.

I also point out that in the response to the committee's report, Senator WILLIAMS' counsel noted this and said this:

The charge against Senator Williams arises out of a series of meetings with Government agents between early 1979 and January of 1980. These meetings were taped.

And then he, as the counsel for Senator WILLIAMS, makes this statement:

We join the Ethics Committee in urging each Senator to become familiar with this evidence.

So I think in regards to the issue of the tapes, the interruptions, the questions of missing tapes, or any erased tapes, when we get down to it there has not been enough evidence that there are any exculpatory matters, there has been no evidence that Senator WILLIAMS has been prejudiced as a result of any lost tapes, as a result of any missing tapes, as a result of any erased tapes, as a result of an interruption. I think if there is any prejudice, he should come forward and set it out and explain in detail what prejudices there might be.

There have been discussions of internal memorandums. Senator WALLOP went into great detail on this. I will not go into these matters in any great detail, but I do want to point out that, first, the Department of Justice representatives, the members of the U.S. attorney's office in New Jersey, were involved in this, and they were given an opportunity to review the evidence at various stages after certain films were made. Not only did the strike force in New York, in Brooklyn, where the case was tried, but they submitted the Government's case at certain stages. We find on November 27 the Gow memorandum was mentioned very much. It was submitted to the New Jersey people.

The people in the U.S. attorney's office in New Jersey, where there obviously was a great circle of corruption in regards to many activities, reviewed this and they raised certain questions.

The New York members of the strike force considered the evidence and they presented it. It was all presented finally to the head of the Criminal Division of the Department of Justice, and after he OK'd it, of course, it then went to the grand jury for an indictment.

Any time various attorneys look at various documents, various evidence, and various tapes, they may come up with different opinions. I think this does show that the FBI allowed a careful evaluation, an evaluation from New Jersey as well as an evaluation from New York.

The decision was made to go ahead.

The issue arises as to whether or not these memorandums ought to be admitted into evidence. We have a situation where, clearly, the internal evaluation by the lawyers is not admissible into evidence. It would not be admissible to show weaknesses. Just as no memorandum between the attorney representing Senator WILLIAMS, attorney "A", who may differ with attorney "B". That internal evaluation is not admissible in a trial.

Yet, we have here a situation in which a lot has been said, a lot has been put on television on 20/20, on the fact that a juror said that he would not now vote for a conviction since he had seen the memorandum of Novem-

ber 27, 1979. That is the Gow memorandum, where he thinks that there ought to be more evidence, there ought to be an overt act committed by Senator WILLIAMS. That overt act, in my judgment, does occur on the January 15, 1980, tapings as you have seen and as you read from the transcript.

But a juror says, "All right, because I have now been shown the Gow memorandum of November 27, 1979, I would have not voted that Senator WILLIAMS was guilty."

That was inadmissible testimony. It would not have been admissible in trial. The individual evaluation of any attorney as to the evidence is not admissible. Therefore, a juror is seeing inadmissible, illegal testimony and basing his opinion on being shown that. Therefore, he says, to the effect that, "I would not have voted for conviction."

On the question relative to jurors after a trial is over, where lawyers from one side in an ex parte manner go and start talking to them saying, "All right, you did not know about this; would you have voted a guilty verdict if you had known about this?" we all know, particularly those who have legal background, that it is one of the fundamental principles of law that a jury cannot impeach its own verdict by what it finds out after the trial.

The whole purpose of a judge ruling on the admissibility of evidence is to keep out prejudicial matter, illegal matter, immaterial matter. In this instance here, we have had a juror say that he would not have voted guilty, a guilty verdict, in this instance if he had known about the existence and the contents of this memorandum.

I think we realize that a juror, if he is allowed to impeach his testimony, can come in. There are reasons for impeaching the juror's testimony, where there is misconduct, where somebody, in effect, goes in and tampers with the jury, or if there is somebody who sends in some information that is illegal. But a juror, because he finds out certain inadmissible, illegal testimony is not then allowed in a court of law to go back to the judge and say, "Judge, I voted wrong. I found out some illegal testimony. Therefore, I want to change my verdict."

You would have an endless situation in regard to trials if that were allowed to occur.

I want to bring up one other thing that struck me as being something that needed some further explanation.

In the course of the presentation by Senator WILLIAMS, he mentioned that through the Freedom of Information Act he had obtained various Government documents that prove that the stock was worthless. This is really him saying, through the Freedom of Information, "I have obtained documents from the Government which prove that the Government knew that the shares of stock were worthless and, therefore, had no value."

Let us see in what context this arose. The Government, as you will recall, had several Abscam's, including Congressmen. They gave, in good greenbacks, $50,000 in cash to certain Congressmen. Certain Congressmen put it into their pockets and patted their pockets down, as you have heard about and read, and took the money. Then the trial occurred, or they resigned from the Congress, from the House of Representatives, and the Government said, "Whoa, we want that $50,000 back." And these people would not give it to them. So the Government had then to go into the Civil Division of the courts and through the Commercial Division of the Department of Justice and bring suit to obtain the $50,000 that went to Jenrette, that went to Myers, that went to the other people.

Well, the issue came around, let us consider the Williams case; is there anything of value that we want to sue for, that we ought to take action to try to recover? So they started looking and said:

> Senator WILLIAMS did not get any cash; we are not going to file a civil suit to recover cash. He has those certificates of stock, but we actually know they are really worthless. Therefore, there is no point in filing a suit to recover from Senator WILLIAMS the three stock certificates.

Now, that is value in actuality. That is, in a sting operation, what did Senator WILLIAMS think about it? Did he think that the shares of stock had value? That is the crucial issue. If he, in his subjective evaluation, says that those shares of stock are worth to me $14 million, as he mentions that figure, if that is worth, to me, 18 percent of $70,000, then it has a subjective value to him and it suffices for the bribery case and it suffices for the element of value.

I think Senator WALLOP read a while ago portions of Judge Pratt's charge to the jury on value. It is very short and it is, I think, while redundant, important. Judge Pratt charges the jury:

> The value for purposes of this statute is subjective; that is, did the public official believe he was receiving something of present or prospective value to him or others? If so, this element is satisfied, even if other people might not regard it as having value.
>
> You may find a loan of money would be a thing of value. Stock could also be a thing of value if, regardless of its actual worth in the commercial world, you find that Defendant Williams believed that the stock had value for himself.

That was the charge to the jury in regard to that and it seems to me that this explains the situation pertaining to the documents that were obtained under the Freedom of Information Act which have come forward.

Mr. President, I want to address some comments to the remarks of the distinguished Senator from Hawaii, who made an excellent, superb statement in defense of Senator WILLIAMS. I think we want to look at some of his remarks and think a little further about them. He raises the issue of the precedents of the Senate, saying that in the past, we have only used the extreme sanction of expulsion for treason. He, in effect, as I understand it, wants us on this occasion to follow those precedents and to confirm that precedent of only having the extreme sanction of expulsion used in case of treason.

Let us look at this. If we want to do that and to really establish that as a precedent, how would the U.S. Senate appear if, in the future, a Senator is charged with a clear instance of bribery in which cash changes hands? Suppose we had the case, as was the case before the House, where $50,000 was received and the Congressman stuck it into his pockets and then patted it down—all on tape. In such a case, if it were to involve a Senator and come before this body, should the Senate say, "No, we do not expel because that falls short of being treason; we only use the sanction of expulsion for extreme cases"?

Let us think about an instance in which a Senator may be convicted of perjury and he is brought before the Senate on ethical conduct and we say:

> All right, the precedents are expulsion only in case of treason, but not for something less.

Suppose the Senator commits murder. Suppose the Senator commits rape and is convicted in a criminal case involving that.

Suppose the Senator is convicted of the offense of hijacking an airplane. Suppose the Senator is convicted of the offense of assassination of the President.

To say that we reserve expulsion only for treason, in my judgment, is lacking in logic. It is lacking in commonsense, and, in my own judgment, this is certainly a type of case in which expulsion should be used.

Senator INOUYE mentioned the appeals process, and he cited numerous instances in which Senators were not tried before the Senate until after the appeal process was completed. As I recall, these involved the case of Senator Joseph R. Burton of Kansas, of Senator John H. Mitchel of Oregon, and Senator Truman H. Newberry of Michigan. In each of those cases, those Senators did not vote or participate in any proceedings during the time that their case was on appeal.

I might say, and this does not appear on record but I think it occurred, that there was some consideration given to the idea that we might approach Senator WILLIAMS and say, "Do not vote, do not participate in any proceedings, and we shall wait until

Judge Pratt comes down with his due process hearing decision and hold up until that time."

I discussed this with our distinguished minority leader, Senator ROBERT C. BYRD, and with his brilliant mind pertaining to the Constitution, he pointed out that there was a provision that says that no State can be deprived of equal representation in the U.S. Senate and that that procedure would violate that provision of the Constitution.

I looked and I found that there is such a constitutional provision, that the Founding Fathers, in their belief that we ought to have two Senators for every State, had the provision that you could not deprive a State of its equal representation in the U.S. Senate. I do not know whether or not the Senate realized that that provision was in the Constitution when Senator Joseph R. Burton or Senator John H. Mitchel or Senator Truman H. Newberry was considered in that regard. But I do feel that we cannot wait in this instance until the entire appeal process expires, because I think today, we find that appeals take much longer.

Appeals involve a long period of time. We have here a jury verdict, a judge's confirmation of the jury verdict. But regardless of that, we have the situation by which, regardless of any criminal offense, we have a constitutional duty in this instance, even if the jury had acquitted him, to consider the testimony, the facts, and to see whether or not there was a violation of the Senate Rules of Conduct. Regardless of what might have occurred, I think it would be our responsibility.

When the Abscam scheme broke, the Senate Ethics Committee met, and we looked at what was in the newspaper reports. We asked the representatives from the Department of Justice to come before us. This was 2 years ago. We have waited, in effect, 2 years.

At that time, several members of the Ethics Committee, including myself, thought we ought to employ a special counsel and to proceed simultaneously with the criminal prosecution.

In the Watergate matters, this occurred. There was a simultaneous consideration of certain duties imposed by the Constitution on the legislative body while the Department of Justice was making its investigation.

We talked to the Department of Justice officials about this. They said, "We will not allow you to see the tapes. We will not allow your investigators to interview the FBI agents who are involved."

So we said, "All right, we will try to make an independent investigation," and we started. We had various and sundry investigators that we had employed trying to find out something about it. But every time it would come back that the only witnesses that knew anything about this were FBI agents. Therefore, we could not interview them. We could not see the tapes. How could we proceed?

We attempted to have the Department of Justice give us their assurances that they would move and move expeditiously. We received a commitment that they would go through the grand jury stage within 90 days. That was the first time.

Later, the Department of Justice said, "We cannot do it. We want more time."

Finally, just before November 1, in October, the grand jury did meet and did indict.

Then, of course, we still were not allowed to see the tapes or to interview the witnesses. It was not until the trial occurred. When the trial occurred, we sent Mr. Paul Colborn of the Ethics Committee staff, and he was present and listened to every bit of the testimony that was taken in the criminal trial of the case.

We would have liked, at least some of us—maybe not a majority, but some of us would have liked—to have moved simultaneously with the criminal prosecution. But in the end, with the realization that we did not have the tapes and that we could not interview the witnesses, we decided that we should not, that actually it might really in the long run turn into a circus if we were doing this; that it might be detrimental to the fundamental rights of Senator WILLIAMS and could also jeopardize the prosecution of the case.

So we withheld. We withheld until after the trial. Immediately thereafter, we proceeded to move forward. We had our hearing, and are here, some 2 years after the Abscam broke and was made known to the public.

If we are to wait until the appeals process is completed, we will have well over at least 2 more years, in my judgment.

I think we now are in a position where we ought to move forward, in that there is no reason now to hold back in regard to a final disposition of this matter.

There are a couple of statements I should like to make about Senator INOUYE's remarks. One hit me between the eyes. He said, "I felt uncomfortable and embarrassed as I viewed the tapes."

I think that is descriptive of my feelings when I first saw them. But I do not believe that I would have been uncomfortable and embarrassed if I thought that Senator WILLIAMS was only a fool. I think the embarrassment and the uncomfortableness that occurs is because of the seriousness of the offenses that occurred on tape and what I saw through the use of a television screen.

I should now like to discuss the Puccio book contract.

In his recitation of alleged Government misconduct (RECORD, March 4, 1982, page 3340), Senator CRANSTON cites prosecutor Thomas Puccio for improperly having a contingent financial interest in a yet to be written book about Abscam—a conflict of interest my distinguished colleague from California suggests was only revealed during the Errichetti due process hearing after the WILLIAMS trial, thereby casting serious doubt on the fairness of the trial.

Actually, the Errichetti due process hearing was in January and February 1981, before the WILLIAMS trial in April. And Senator WILLIAMS' counsel was obviously aware of the alleged book deal before trial because he filed a pretrial motion to disqualify Mr. Puccio on that ground, which Judge Pratt denied.

This book contract issue is a vivid example of how critics of Abscam have relied on allegations rather than evidence. The evidence in the RECORD shows only that Jack Newfield, a friend of Mr. Puccio, has a contract with a publisher to write a book about Abscam and the contract allows for Newfield to have a yet to be named collaborator on the book. Newfield and Puccio both testified that after the Abscam undercover operation was over, Newfield asked Puccio if he would be interested in working on such a book, and Puccio responded that he could not even talk about the project while he was a prosecutor. And that was the end of the matter. So much for this so-called contingent financial interest.

I have probably already given more attention to this issue than it deserves. But I cannot resist commenting on the naivete of the proposition that prosecutors of widely publicized cases are nonentities without ambition who have no personal interest in the outcomes of their cases. Just look around this body and count the many distinguished former prosecutors among us. I have the highest regard for my colleagues with prosecutorial backgrounds, and I make this point only as another way to remind the Senate that the prosecutor is not on trial here and any discussions he has about writing a book are simply not relevant to the Senate's immediate task of judging whether Senator WILLIAMS' conduct was ethically repugnant.

There has been some reference to Mr. Nathan's comments. Senator WILLIAMS, as Senators know, highlighted a statement by former Justice Department official Irving Nathan that, as a consequence of Abscam, public officials must be concerned that people with whom they are dealing might be undercover agents and that what they discuss may be taped and be used against them in court.

Nathan concludes that the possibility necessarily has an inhibiting effect upon public officials.

These statements are being criticized as constituting a presumption that the executive branch has a license to give morality tests to the legislative branch.

I of course do not support any principle that the executive branch should be permitted to target the legislative branch. That would certainly be an impermissible violation of the separation of powers doctrine.

But neither do I support any principle that if John Doe citizen gets drawn into the net of an undercover operation, or John Doe local official, he must be punished if he does not walk away, but if a Senator gets drawn into the net the FBI must excuse him. That would not be equal justice.

Should not a public official be prepared to live with what he says, in public or private? Should not a public official unequivocally refuse any offer of a bribe, whether in cash or in a share of a business, for the use of his office? Should not a public official walk away from inducements to corruptly use his office?

The bottom line is if someone offers you a bribe, do not take it; if someone suggests you use your office for personal gain, walk away.

And as I said before, I do not place much stock in the argument, "If they did it to PETE they can do it to me."

I do not say from this that the FBI in all of this Abscam is not guilty of a lot of misconduct.

I think, for example, what occurred pertaining to Senator PRESSLER is certainly reprehensible. They allowed a person who was in effect a con man to make the decision to substitute Senator PRESSLER after another Member of Congress, a House of Representatives person, a Representative, a Congressman was available and this person made the decision to bring Senator PRESSLER to the cameras in the townhouse. Certainly any time that you allow a decision to be made in the executive branch of Government by which a person at a lower echelon or a con man makes that decision, then there is something faulty about that.

Certainly in regard to the separation of powers we should have a law, and I think that this is something we can look into, that if a decision is made to target a Member of Congress that that decision should be made at the highest echelons of the Department of Justice and the Federal Bureau of Investigation.

We think that the sting operations are effective in bringing people who have been committing crimes to a stage of where they can be convicted, and sting operations have been effectively used by the FBI and by police departments in various places. In law enforcement they have been very effective. But I do not feel that because a person is a Member of Congress that that gives him immunity from a sting operation.

However, certainly the decisions being made as to targeting should be made at the very top of the echelon ladder in regard to the Department of Justice. There are certain things as to whether or not you would allow a person like Mel Weinberg to go to the extent that he did in this case. In my judgment he went beyond where he should have gone. I think that there are other instances of that.

But still it comes back down to the issue of whether or not the misconduct of the Government was of such a degree that the will of Senator WILLIAMS was overborne. He himself has testified that his will was not overborne. He testified pertaining to that at the Ethics Committee hearing. He testified at trial that he paid no attention to the coaching exercises that occurred before he met with the sheik on June 28.

So I think that we must look at this situation. We can find that the FBI has done some wrongful things. But did the wrongful things that they did in effect control or have an influence on what Senator WILLIAMS did? In my judgment he acted of his own free will and accord and made those statements.

I think that that is important to remember as we consider these matters.

I wish to go into one or two other issues and the time is about to run out. As I understand we close at 6 o'clock. There is the issue of why he did not accept the cash bribe. In the beginning, the last week I mentioned and brought out the testimony where Angelo Errichetti, the Senator who works as a team that moves mountains with Senator WILLIAMS, stated in effect that Alex Feinberg was Senator WILLIAMS' bagman.

I said it would be up to you to determine what credibility you wanted to give to that testimony of Angelo Errichetti, stating that if a person has a bagman that he does not accept cash.

There is another issue that I think is revealing in this regard. It has not been mentioned so far but is in the evidence and was before the trial and was before the jury and was also present at the Ethics Committee hearing.

That is the testimony of Sandy Williams. He is a man who says that Senator HARRISON A. WILLIAMS is his dearest and longest friend, and we have heard a lot about him.

Sandy Williams testified under immunity as a Government witness. Sandy Wiliams testified pretty well to everything that was brought out on tape, showing that Senator WILLIAMS was involved in every degree.

Sandy Williams also brings up a situation which is not on tape, but he says that he went to Senator HARRISON WILLIAMS and says "They want to give you $20,000 in expense money."

Senator HARRISON WILLIAMS' reply was to the effect, "Fine, go ahead and accept it, but I do not want to take it. You take it for me."

Sandy Williams testifies that they discussed it and Sandy says, "Can I have half of it?" And Sandy Williams, the friend of Senator WILLIAMS, testifies that Senator HARRISON WILLIAMS says "Yes, you can have half of it."

And then Sandy Williams, the friend of Senator HARRISON WILLIAMS, testifies: He says: "Senator WILLIAMS says, 'My son, Jonathan, in California needs an automobile. And can you handle that through that money?'"

Sandy Williams goes and the next instance that comes up Sandy Williams reports back to Senator HARRISON WILLIAMS, "No, they won't give it to me. They insist that they have to give it to you."

And Senator WILLIAMS says, "No, I am not going to take it." And Sandy said "Let's not take it."

So we have an instance in which there obviously was an attempt, if you believe Sandy Williams, to give him $20,000 as expense money. He turned it down. He did not want to soil his hands with cash.

I think that sheds light on why the cash bribe was declined.

It has reached the hour where I think the majority leader would like to adjourn, and I have a few more remarks that I will make and I will complete those tomorrow.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. I thank the Senator very much. The Senator from Alabama contributes greatly to the debate and I apologize to him for asking him to interrupt his remarks so that we can fulfill the commitment I made earlier that we would end this day at approximately 6 o'clock.

In a moment I will ask the Senate to recess over until tomorrow. Before I do that, Mr. President, may I inquire of the distinguished Senator from California if it is still his intention, as he indicated earlier, to lay down his amendment this evening?

Mr. CRANSTON. Yes. I will offer it whenever it is the will of the Senate or the desire of the Senate leadership to do so, with an effort to make it the pending business.

I would like to do that with the hope that no Senator will move to table at any premature time so that there can be opportunity to consider it. I will not ask for the yeas and nays, and I hope no one else will do that, so that if it is desirable I will amend it before we go to a vote on it.

89-059 O-85-26 (Pt. 3)

I will be ready to vote after the Senate is ready to vote after I make a statement on it tomorrow.

Mr. BAKER. All right.

Mr President, earlier I had indicated that during the midafternoon recess I would confer with the distinguished Senator from Hawaii, the Senator from California, the minority leader as to a time certain on the possibility of voting on or in relating to the Cranston amendment.

I must report that it does not appear feasible to do that at this time, and I think for very good reasons. No. 1, there is no way to tell when debate will be concluded at this point. For instance, I do not know now how many Senators have statements they wish to make or questions they wish to ask; and, No. 2, it is premature, it seems to me, to deal with that subject until we see the amendment, until it has been offered and made the pending business. So I will not attempt to obtain a unanimous-consent agreement at this time, but rather I will express the hope that if we have the Cranston amendment pending tonight or in the morning, that we can dispose of it and, perhaps, this entire matter on Wednesday of this week. I will not now make any request nor any effort to deal with it other than to express that hope.

Mr. President, if Members will indulge me for just a minute so that we can get some idea about how much time will be required, may I inquire of Senators—before I do that may I say that I hope early tomorrow we will permit members of the Ethics Committee on both sides to make their statements, if they intend to make statements.

But after the Ethics Committee, plus whatever response the Senator from Hawaii or others may wish to make in that respect, may I inquire what other Senators intend to make statements or to propound inquiries, questions, to engage in colloquies on this subject just so we will have some basis for inquiry? On this side I see seven, and I will make a short statement, which will be eight. On the minority side——

Mr. ROBERT C. BYRD. I may make a short statement.

Mr. BAKER. It would appear that there are about 7 on the minority side, 14 or 15 Members then who still intend to participate in the debate or in a colloquy.

Mr. LONG. Mr. President, I have no idea whether I will or not say anything. I would like to reserve my right.

Mr. BAKER. The Senator's rights will not be impaired by this colloquy, and we will all await with bated breath his decision. [Laughter.]

It would appear then we are going to have to move pretty promptly if we can finish this, as I indicated, on Wednesday or Thursday.

I intend in a moment to ask the Senate to recess over. There is already an order, is there not, for 10:30 in the morning?

The VICE PRESIDENT. There is such an order.

Mr. BAKER. I wonder if we can arrange matters this way. I wonder if instead of laying down the amendment tonight if we can come in tomorrow and let the Senator from Alabama finish his statement? There is only a brief time for that, with the understanding that the Senator from California will probably propose his amendment at that time.

Mr. CRANSTON. That suits me.

Mr. BAKER. All right. I see the minority leader on his feet as if he had a question or a suggestion.

Mr. ROBERT C. BYRD. Mr. President, I was only going to voice my own opinion, without having discussed it with anyone, and it was simply this: That if we could understand the exact contents of the amendment by Mr. CRANSTON I personally—and I only speak for myself—would be happy to give that amendment an up or down vote, with the understanding that once that amendment is disposed of that there be no further amendments, and that the only remaining vote will be on the resolution itself up or down.

Mr. BAKER. Mr. President, I agree with the minority leader. Indeed, without asking for an agreement to that effect, I sort of sense that that is the direction in which we are heading, that there will be a vote up or down perhaps on the amendment, as I understand it, that may be offered by the Senator from California, and if that fails then there will promptly be—or not immediately—a next vote on the resolution of expulsion only. I once again would not ask for an agreement to that effect but let me express the hope that that will be the case.

Mr. ROBERT C. BYRD. I echo what the Senator has said, that the vote on the resolution will not then necessarily follow immediately thereon but that will be the only vote that will remain in respect to the subject matter.

Several Senators addressed the Chair.

Mr. LONG. Mr. President, may I say to the Senator I think any Senator on hearing all of this would have the right to offer an amendment if he wants to do so, and I hope that if I should not be on the floor at some point while this was being discussed that there would not be a unanimous-consent request in my absence to shut off amendments.

Mr. BAKER. There will not be, I can assure the Senator.

Mr. LONG. There may be some amendments some may want to offer, including this Senator.

Mr. BAKER. I can assure the Senator that no such request will be made by me, and I will urge other Senators to take that position. I am not now propounding it.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield? I will give the same assurance to the distinguished Senator and not do anything by way of proposing anything at this time, but merely voicing my own opinion.

Mr. BAKER. I thank the Senator.

Mr. WALLOP. Mr. President, if I may have the majority leader's attention for a moment, it is my hope and that of the committee that with these things we remain as legislatively clean as we can, and that people do not resort to some kind of tactical maneuvering to obscure what is at issue.

I have told Senator CRANSTON, the Senator from California, that that is what I hoped would happen on his amendment. But I would also hope, by the same token, that those who might come in and offer other amendments would keep the issue clean and in front of us and not use amendments as a tactical means by which to further this proceeding. So I thank the majority leader.

Mr. BAKER. I have one other inquiry.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. May I inquire of Senators, while we do not ordinarily remain in session late on Tuesday nights and Wednesday nights, and while we have special circumstances here, the Senator from New Jersey is on the floor and, of course, we are concerned for his physical well-being. The Senator from Hawaii is here and others who are directly involved. Let me ask if it appeared desirable in order to finish this by Wednesday or Thursday, would it be the sense of the Senate that we should consider staying later? If there is an objection to that, of course, I will take that into account. But it would be my plan at this time to ask the Senate to remain late, meaning until 9 o'clock or so on Wednesday night if necessary in order to improve the chances that we can conclude this debate on Thursday. I do not now ask consent for that, but I rather plant that idea in the minds of Senators so that they can convey their sentiments to me on tomorrow.

HAPPY BIRTHDAY, SENATOR RANDOLPH

Mr. ROBERT C. BYRD. Mr. President, before the Senator asks for a period for the transaction of routine morning business, I wish to call the attention of my colleagues to the fact that my very distinguished senior colleague is today enjoying his 80th birthday.

[Applause, Senators rising.]

Mr. BAKER. Mr. President, I made this remark to the distiguished Senator from West Virginia earlier in the day. I believe my statistics are right. He is only the 31st Member of the Senate to serve on his 80th birthday, and while he may be the 31st Senator to do so in the history of the Senate, he is clearly the youngest to do so.

Mr. RANDOLPH. Mr. President, I genuinely thank Senator BYRD, my colleague through all the years that both of us have been together in the Senate. I am grateful to Senator BAKER and to all Senators for their gracious expressions.

Mr. President, it is impossible for me to adequately express the gratitude and the affection I feel for the kind and generous thought expressed today by my colleagues.

In the 37 years it has been my privilege and responsibility to serve in the Congress, I have cherished working with capable and constructive men and women. I am also helped by the officers and staff of the Senate, including the helpful pages. There is a lasting memory I treasure from this service in the legislative branch.

It is a joy to have been associated with these public servants. We have differed on issues. I anticipate in the future we shall sometimes hold divergent opinions; this Mr. President, does not diminish my love of the Senate and the satisfaction I receive from our labors together in common purpose.

ORDER OF BUSINESS

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

Mr. BAKER. I yield to the Senator from New Jersey.

THE DEATH OF FORMER SENATOR CLIFFORD P. CASE, OF NEW JERSEY

Mr. WILLIAMS. Mr. President, on another matter, after the happy salute to my dear friend, I ask for the sad consideration of a resolution on the death of our former colleague and dear friend, the Honorable Clifford P. Case. There is a resolution at the desk, and I ask that it be considered at this time.

The PRESIDING OFFICER (Mr. STEVENS). Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative cerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS), on behalf of himself and Mr. BRADLEY, proposes a Senate resolution numbered 335:

S. RES. 335

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Clifford P. Case, who served in the United States Senate from the State of New Jersey from 1955 until 1979.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to attend the funeral of the deceased Senator.

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

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

Mr. WILLIAMS. Mr. President, I am grieved by the passing of Cliff Case. He was my colleague, my friend, and I will miss him dearly.

It is rare when two people of different parties and backgrounds can share so much; yet I felt, and still feel, a philosophical kinship with Cliff Case.

He was one of the most popular Congressmen ever to represent the district we both called home. Twenty-nine years ago, when I first campaigned for the seat he vacated to become president of the Fund for the Republic, I stated that my ambition would be to serve the Sixth Congressional District of New Jersey as well as he had.

Over the years, this respect and affection produced a solid relationship. During his last term in the Senate, Cliff and I labored on legislation which was designed to protect a vast, environmentally vulnerable area of our State—the Pinelands. All through that successful effort, Cliff demonstrated the hallmarks of his career: the desire to act, the willingness to listen to all sides of a question before coming to a conclusion, and the fortitude to advance resolutely once a final decision had been made. The Case years in Congress were good for New Jersey and for the Nation.

During his service here, Cliff established himself as a man of towering integrity and honor; he was a person worthy of our highest esteem, which he certainly had.

Serving on both the Foreign Relations and Appropriations Committees, he exercised responsible judgment and adept leadership to bring to fruition legislation ranging from transportation and environmental protection to measures clarifying the role of the United States in the world.

We will miss his voice—a voice of warmth, humanity, understanding, and compassion that expressed itself in ways that always enhanced the human condition and the lives of those he shared as a U.S. Senator and friend.

We served New Jersey together in friendship and harmony; his accomplishments were great, and Jeanette and I have known great joy and great comfort in our friendship with Cliff and Ruth Case. We share the loss and sorrow of Ruth Case and her family.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from New Jersey (Mr. WILLIAMS).

The resolution (S. Res. 335) was agreed to.

The PRESIDING OFFICER. Pursuant to the resolution, the Chair appoints the two Senators from New Jersey (Mr. WILLIAMS and Mr. BRADLEY) as members of the funeral committee.

Mr. MATSUNAGA. Mr. President, if the leader has no objection, will the resolution be left at the desk for cosponsorship by the Members?

Mr. BAKER. Mr. President, I ask unanimous consent that the resolution remain at the desk for the remainder of this calendar day until not past 8 o'clock for cosponsors.

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

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:15 p.m. in which Senators may speak for not more than 1 minute each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5118. An act to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred to the Select Committee on Indian Affairs:

H.R. 5118. An act to provide water to the Papago Tribe of Arizona and its members,

to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2867. A communication from the Commander of the Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, the annual report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, and the top ten architect-engineering firms, for fiscal year 1981; to the Committee on Armed Services.

EC-2868. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, a notification of a proposed foreign military sale to Thailand; to the Committee on Armed Services.

EC-2869. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, a notification of a proposed foreign military sale to Thailand; to the Committee on Armed Services.

EC-2870. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, notification of a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-2871. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, a notification of a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-2872. A communication from the Acting Deputy Director of the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, Presidential Determinations, concerning the lease of vessels to Turkey and Republic Korea dated February 18, 1982; to the Committee on Armed Services.

EC-2873. A communication from the General Counsel to the Department of Energy, transmitting, pursuant to law, proposed legislation to authorize appropriations for conservation, exploration, development, production sale, and use of naval petroleum reserves and naval oil shale reserves, for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

EC-2874. A communication from the General Counsel of the Department of Energy, transmitting, a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

EC-2875. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1983 and 1984, and for other purposes; to the Committee on Armed Services.

EC-2876. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the Aviation Insurance Program for 5 years; to the Committee on Commerce, Science, and Transportation.

EC-2877. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the activities of the Environmental Protection Agency regarding the progress of regulations to protect stratospheric ozone; to the Committee on Environment and Public Works.

EC-2878. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Powerplant and Industrial Fuel Use Act dated March 1, 1982; to the Committee on Energy and Natural Resources.

EC-2879. A communication from the Assistant Secretary of the Interior (Territorial and International Affairs), transmitting, pursuant to law, the annual report of the fiscal condition of the American Samoa Government for fiscal year 1980; to the Committee on Energy and Natural Resources.

EC-2880. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2881. A communication from the Deputy United States Trade Representative, Executive Office of the President, transmitting a draft of proposed legislation to amend the Act implementing the International Sugar Agreement, 1977; to the Committee on Finance.

EC-2882. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports submitted to Congress by the General Accounting Office during January 1982; to the Committee on Governmental Affairs.

EC-2883. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department; to the Committee on Governmental Affairs.

EC-2884. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act during calendar year 1981; to the Committee on the Judiciary.

EC-2885. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Department of the Treasury on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2886. A communication from the Assistant Secretary of Energy for Management and Administration transmitting, pursuant to law, the 1981 annual report on the administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-2887. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, the report on actions during calendar year 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2888. A communication from the Acting Assistant Public Affairs Director for News of the Department of Agriculture transmitting, pursuant to law, the calendar year 1981 report of the Department on activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2889. A communication from the Acting Director of the Office of Government and Public Programs of the National Science Foundation transmitting, pursuant to law, the 1981 annual report of the Foundation on actions under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2890. A communication from the Commissioner of Immigration and Naturalization transmitting, pursuant to law, orders suspending deportation of certain aliens under section 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2891. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Special Services for Disadvantaged Students Program; to the Committee on Labor and Human Resources.

EC-2892. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Upward Bound Program; to the Committee on Labor and Human Resources.

EC-2893. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Library Career Training Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1640. A bill to amend certain provisions of title 18, United States Code, relating to the procedures for interception of wire or oral communications (Rept. No. 97-319).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Charles Edwin Lord, of the District of Columbia, to be First Vice President of the Export-Import Bank of the United States.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Mr. PACKWOOD. Mr. President, from the Committee on Commerce, Science, and Transportation, I report favorably two nomination lists in the Coast Guard which appeared in the CONGRESSIONAL RECORDS of February 3 and February 22, 1982, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. HEFLIN, Mr. KASTEN, Mr. MURKOWSKI, and Mr. STAFFORD):

S. 2174. A bill to recognize the organization known as American Ex-Prisoners of War; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 2175. A bill to amend the Social Security Act to provide for the removal of the social security trust funds from the unified budget, and to provide for crediting to the social security trust funds in the amount of unnegotiated social security checks; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. ARMSTRONG:

S. 2176. A bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 2177. A bill to amend title III of the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885, as amended by Public Law 95-578; 92 Stat. 2471 and Public Law 96-375; 94 Stat. 1505); to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2178. A bill to prohibit user fees for hunters and fishermen on Federal lands; to the Committee on Energy and Natural Resources.

By Mr. ROBERT C. BYRD (for himself, Mr. PELL, Mr. HATFIELD, Mr. MELCHER, Mr. RANDOLPH, Mr. RIEGLE, Mr. MITCHELL, Mr. PROXMIRE, Mr. FORD, Mr. LEVIN, Mr. KENNEDY, Mr. DIXON, Mr. METZENBAUM, Mr. INOUYE, Mr. HUDDLESTON, Mr. TSONGAS, Mr. LEAHY, Mr. DODD, Mr. MATSUNAGA, Mr. BUMPERS, and Mr. PRYOR):

S. 2179. A bill to amend the War Powers Resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes; to the Committee on Foreign Relations.

By Mr. HAYAKAWA (for himself, Mr. DECONCINI, Mr. DOLE, Mr. PRYOR, Mr. SARBANES, Mr. EAST, Mr. HUMPHREY, Mr. ROTH, Mr. WILLIAMS, Mr. BIDEN, Mr. EAGLETON, Mr. FORD, Mr. BAUCUS, Mr. BUMPERS, Mr. THURMOND, Mr. LEVIN, Mr. MCCLURE, Mr. MOYNIHAN, Mr. MATTINGLY, Mr. COHEN, Mr. HUDDLESTON, Mr. SPECTER, Mr. SYMMS, Mr. RANDOLPH, Mr. HOLLINGS, Mr. LAXALT, Mr. LUGAR, Mr. COCHRAN, Mr. PERCY, Mr. GARN, Mr. LONG, Mr. EXON, Mr. CRANSTON, Mr. DURENBERGER, Mr. ZORINSKY, Mr. GRASSLEY, Mr. D'AMATO, Mr. BURDICK, Mr. ANDREWS, Mr. GOLDWATER, Mr. HATCH, and Mr. KENNEDY):

S.J. Res. 160. Joint resolution to designate July 9, 1982, as "National P.O.W./M.I.A. Recognition Day;" to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 161. Joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. MELCHER, Mr. PELL, Mr. BURDICK, Mr. HEINZ, Mr. EAGLETON, Mr. PRYOR, Mr. SASSER, Mr. RIEGLE, Mr. WEICKER, and Mr. BAUCUS):

S. Res. 334. A resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983; to the Committee on Labor and Human Resources.

By Mr. WILLIAMS (for himself and Mr. BRADLEY):

S. Res. 335. A resolution relative to the death of the Honorable Clifford P. Case, formerly the Senator from the State of New Jersey; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. HEFLIN, Mr. KASTEN, Mr. MURKOWSKI, and Mr. STAFFORD):

S. 2174. A bill to recognize the organization known as American Ex-Prisoners of War; to the Committee on the Judiciary.

AMERICAN EX-PRISONERS OF WAR

Mr. THURMOND. Mr. President, today I am introducing a bill which would grant a national charter to the American Ex-Prisoners of War, Inc., an organization which consists of many brave Americans who were prisoners of war during World War I, World War II, the Korean conflict, and the Vietnam conflict. Mr. President, not only did these Americans display extreme courage and sacrifice during the wars in which they fought and were imprisoned, they have chosen to continue to serve through this fine organization.

The American Ex-Prisoners of War is the primary veterans organization concerned with the well-being of the 93,000 ex-prisoners of war who were still alive as of January 1, 1982. It is a growing, active organization that has earned the recognition and respect of other veterans service organizations. It functions in a comparable manner to these organizations by publishing a monthly magazine, holding local and national meetings, and involving itself in public service to former POW's, their relatives, and survivors.

Mr. President, the American Ex-Prisoners of War have over 12,600 members located in State and local chapters throughout the United States. The organization has Veterans' Administration approval to provide national service officers who assist veterans in obtaining benefits or seeking medical treatment from VA facilities. It has worked closely with the VA in identifying unmet needs of POW's and in developing policies and procedures pertinent to the unique problems and needs of this group.

In summary, Mr. President, the American Ex-Prisoners of War is a major patriotic organization that has a long record of constructive involvement on behalf of that special group of Americans whose unique sacrifice was the loss of freedom and endurance of the most brutal and inhumane conditions imaginable. By their service to their country during war and by their continuing services as described above, their members, via this organization, have earned the recognition that a national charter from the U.S. Congress would bring. Moreover, such a charter would provide the American Ex-Prisoners of War an opportunity to participate more fully, as do those organizations already so chartered.

By Mr. METZENBAUM:

S. 2175. A bill to amend the Social Security Act to provide for the removal of the social security trust funds from the unified budget, and to provide for crediting to the social security trust funds in the amount of unnegotiated social security checks; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

REMOVING SOCIAL SECURITY FUNDS FROM THE UNIFIED BUDGET

● Mr. METZENBAUM. Mr. President, the bill I am introducing today is designed to safeguard the social security system from being misused for political purposes and to improve its financial soundness.

First, the bill will prevent this administration or any other from balancing the budget on the backs of the elderly. It does this by removing the social security trust funds from the unified budget, thus keeping financial transactions in social security completely separate from other Government income and expenses. Second, the bill improves the financial soundness of the system by crediting the social security trust funds for all uncashed social security checks. Presently, such funds remain in the General Treasury.

The necessity of removing social security from the unified budget becomes apparent when one considers the massive cuts in social security benefits which were proposed by the administration last year. In an effort to balance the budget, the President proposed cuts in cost-of-living increases, early retirement benefits, and many other social security entitlements.

Right now, social security income and expenditures are treated in the general budget the same way as general revenue income and expenses. Therefore, a cut in social security expenditures will make the general budget appear to be closer to balance than it in fact is.

This is a very misleading practice because it gives the country a distorted picture of the actual state of the economy. By law, social security funds can only be used to pay social security benefits and administrative expenses. These funds cannot be transferred to other acccounts or used for other purposes. In these tough economic times, however, it is very tempting for politicians to use social security for budget balancing purposes. Every dollar cut from social security makes the overall budget look better.

This practice violates the very premise upon which social security is based. Social security is a contractual agreement between working people and the Government. The Government has promised to provide workers with basic economic security in their retirement in return for regular contributions made from wages during their working years. Unfortunately, the American public is losing confidence that their Government will honor this contract because of the various budget-balancing proposals to cut benefits. The removal of these funds from the budget will preclude the use of social security as a balancing measure and will help restore public confidence that social security will indeed provide the promised economic security for contributing workers in their later years.

The second provision of this bill deals with the problem of the many social security checks which remain uncashed for a variety of reasons. At the present time, the money to cover these outstanding checks is transferred to the Treasury, but never recredited the trust funds no matter how long they remain outstanding. Social security not only loses the total amount of such checks, but also the interest that could be earned on this amount. It has been estimated that the trust funds could lose over $100 million in the next 4 years if this practice continues. Therefore, this bill provides that, after a period of 1 year, the amount of the uncashed check is recredited to the appropriate trust fund.

This accounting change is a small, but helpful step in restoring the financial soundness of the social security system.●

By Mr. ARMSTRONG:

S. 2176. A bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction; to the Committee on Finance.

TAX TREATMENT OF MEMBER'S SALARIES

● Mr. ARMSTRONG. Mr. President, there has been considerable confusion about the changes Congress made last year in the tax treatment of business tax deduction claimed by Members of Congress. One reason for the confusion is that the changes were hastily made, and without careful thought.

Since the details of the legislation and regulations are somewhat complicated, let me first state clearly the main issue—should Senators and Representatives be taxed in the same manner as other taxpayers. That is the basic question. In my opinion, they should be so taxed; Members of Congress should be treated in exactly the same manner as other taxpayers, no better, no worse.

Now here is what happened:

Since 1952, Members of Congress have been limited as to the amount of business expenses which they may deduct. No matter what expenses they incurred, no more than $3,000 could be deducted. Since no other taxpayer is limited in this way, I voted to eliminate this provision of the law * * * in effect, to permit legislators to deduct expenses in any reasonable amount using the same tests of reasonability that apply to other taxpayers.

A few weeks later, a second amendment was suggested. It seemed reasonable and I therefore supported it. Unfortunately, however, it has not worked out well. The amendment gave the Treasury Department authority to set guidelines for deductions by Members of Congress who do not itemize their deductions for business expenses. Treasury set a rule of thumb of $50 per day or, for those Members who do not take interest deductions, $75 per day. Although this is not as outrageous as some contend, it does seem excessive. So unless the Department lowers this guideline to a more reasonable amount, I will support legislation to do so by statute or to revoke the Department's authority altogether.

Therefore, I am today introducing legislation to repeal both the law and regulations permitting Members of Congress to claim business tax deductions without substantiating them. The effect of this legislation, once enacted, will place Members of Congress on equal footing with other American business men and women.●

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 2177. A bill to amend title III of the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885, as amended by Public Law 95-578; 92 Stat. 2471 and Public Law 96-375; 94 Stat. 1505); to the Committee on Energy and Natural Resources.

FLUCTUATIONS IN COSTS FOR DISTRIBUTION AND DRAINAGE FACILITIES FOR NON-INDIAN LANDS

● Mr. DECONCINI. Mr. President, I am today introducing legislation, together with my distinguished colleague, the senior Senator from Arizona, Senator BARRY GOLDWATER, which will allow the inclusion of ordinary fluctuations in costs for the construction of distribution and drainage facilities for non-Indian lands as is already authorized for the basic funding of the central Arizona project under the Colorado River Basin Act, Public Law 90-537.

Section 309 of the 1968 authorizing act provides for indexing of certain costs to reflect fluctuations in construction costs. Inadvertently, the authorizing language for the distribution systems failed to repeat the indexing clause. The bill we are introducing will correct that inconsistency.

Mr. President, I ask that the text of the bill be printed in the RECORD.

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

S. 2177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 90-537 (82 Stat. 885) as amended is further amended to provide for cost indexing as may be justified by reason of ordinary fluctuations in construction costs.

Section 309(b), first sentence, is amended to read: There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands plus or minus such amounts, if any, as may be justified by reason of ordinary flucuations in construction costs as indicated by engineering and cost indices applicable to the types of construction involved therein from the date of the Colorado River Basin Project Act.●

By Mr. BAUCUS:

S. 2178. A bill to prohibit user fees for hunters and fishermen on Federal lands; to the Committee on Energy and Natural Resources.

USER FEES FOR HUNTERS AND FISHERMEN

Mr. BAUCUS. Mr. President, the Secretary of the Interior in legislation presented to Congress on February 21, 1982, proposed a drastic and ridiculous change in public land policy.

Under the proposal, fishermen across the country would be required to pack a Federal license in addition to their pole, fly box and creel before using public lands and waters. Even more, the legislation would allow the Departments of the Interior, Agriculture, and Army to slap user fees on hunters and family hikers.

Certainly this administration has sent home the message that there will be no free lunches. This proposal, however, totally ignores the fact that the millions of Americans who ask only for the privilege to hunt, fish, and enjoy our public lands are taxpayers. Surely that is not too much to ask.

As my colleagues undoubtedly know, Secretary Watt withdrew this proposal 5 days after its introduction. He la-

beled it "poorly drafted and subject to misinterpretation."

The legislation is poorly drafted. But I believe that the interpretation is clear and the rejection of the policy it would establish should be even more clear. Efficient management of our Federal lands is one thing. A policy which is so parsimonious that it would deny weekend sportsmen access to our forests, rangelands, and streams is quite another.

The intent of Congress in this matter must be made crystal clear. For that reason, I am today introducing legislation which would expressly prohibit the imposition of user fees on hunters and fishermen for access to Federal lands or waters. I believe this measure is straightforward, necessary, and deserving of the support of my colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Act of 1965 is amended by inserting at the end thereof:

"Notwithstanding any other provision of law, no agency, department, board, or commission of the United States shall charge any fee for any use of Federal lands or waters under their jurisdiction related to recreational activities associated with the pursuit of or taking of fish and wildlife."

By Mr. ROBERT C. BYRD (for himself, Mr. PELL, Mr. HATFIELD, Mr. MELCHER, Mr. RANDOLPH, Mr. RIEGLE, Mr. MITCHELL, Mr. PROXMIRE, Mr. FORD, Mr. LEVIN, Mr. KENNEDY, Mr. DIXON, Mr. METZENBAUM, Mr. INOUYE, Mr. HUDDLESTON, Mr. TSONGAS, Mr. LEAHY, Mr. DODD, Mr. MATSUNAGA, Mr. BUMPERS, and Mr. PRYOR):

S. 2179. A bill to amend the war powers resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes; to the Committee on Foreign Relations.

WAR POWERS RESOLUTION AMENDMENTS OF 1982

Mr. ROBERT C. BYRD. Mr. President, I send to the desk the bill I announced earlier today I would introduce with the following cosponsors: Mr. PELL, Mr. HATFIELD, Mr. MELCHER, Mr. RANDOLPH, Mr. RIEGLE, Mr. MITCHELL, Mr. PROXMIRE, Mr. FORD, Mr. LEVIN, Mr. KENNEDY, Mr. DIXON, Mr. METZENBAUM, Mr. INOUYE, Mr. HUDDLESTON, Mr. TSONGAS, Mr. LEAHY, Mr. DODD, Mr. MATSUNAGA, Mr. BUMPERS, and Mr. PRYOR, and ask that it be appropriately referred and printed in the RECORD.

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

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

S. 2179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) this Act may be cited as the "War Powers Resolution Amendments of 1982".

(b) The War Powers Resolution (Public Law 93-148) is amended—

(1) by redesignating sections 9 and 10 as sections 10 and 11, respectively; and

(2) by inserting after section 8 the following:

"PROHIBITION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO EL SALVADOR

"SEC. 9. (a) Notwithstanding any other provison of this joint resolution, United States Armed Forces shall not be introduced into El Salvador for combat unless—

"(1) the Congress has declared war or enacted specific authorization for such use of United States Armed Forces; or

"(2) such introduction of United States Armed Forces is necessary—

"(A) to meet a clear and present danger of hostile attack upon the United States; or

"(B) to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States.

"(b) If the United States Armed Forces are introduced into El Salvador pursuant to grounds set forth in clause (A) or (B) of subsection (a)(2), the President shall describe such grounds in the report required by section 4(a).".

By Mr. HAYAKAWA (for himself, Mr. DECONCINI, Mr. DOLE, Mr. PRYOR, Mr. SARBANES, Mr. EAST, Mr. HUMPHREY, Mr. ROTH, Mr. WILLIAMS, Mr. BIDEN, Mr. EAGLETON, Mr. FORD, Mr. BAUCUS, Mr. BUMPERS, Mr. THURMOND, Mr. LEVIN, Mr. MCCLURE, Mr. MOYNIHAN, Mr. MATTINGLY, Mr. COHEN, Mr. HUDDLESTON, Mr. SPECTOR, Mr. SYMMS, Mr. RANDOLPH, Mr. HOLLINGS, Mr. LAXALT, Mr. LUGAR, Mr. COCHRAN, Mr. PERCY, Mr. GARN, Mr. LONG, Mr. EXON, Mr. CRANSTON, Mr. DURENBERGER, Mr. ZORINSKY, Mr. GRASSLEY, Mr. D'AMATO, Mr. BURDICK, Mr. ANDREWS, Mr. GOLDWATER, Mr. HATCH, and Mr. KENNEDY):

S.J. Res. 160. Joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day"; to the Committee on the Judiciary.

(The remarks of Mr. HAYAKAWA on this legislation appear earlier in today's RECORD.)

Mr. THURMOND:

S.J. Res. 161. Joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer"; to the Committee on the Judiciary.

NATIONAL NCO/PETTY OFFICER WEEK

Mr. THURMOND. Mr. President, today, I am introducing a joint resolution that will designate the week beginning June 28, 1982, as "National Noncommissioned Officer and Petty Officer Week."

Never in more than 200 years of U.S. history has the important role of our Nation's noncommissioned officers (NCO) and petty officers been more dramatically acclaimed than in recent time. About 2 years ago, Adm. Thomas B. Hayward, Chief of Naval Operations, cited the value of the Navy petty officers when he publicly announced that the U.S. Navy could not get its ships to sea because of a significant shortage of experienced and qualified petty officers.

Mr. President, Chief of Staff of the Army, Gen. Edward C. Meyer, reported a "hollow Army" when our U.S. combat divisions moved into "not ready" status because of the shortage of experienced and qualified noncommissioned officers.

The Marine Corps and Air Force also were caught short in their enlisted career forces. Many junior enlisted personnel were assigned to noncommissioned officer billets without the experience required to properly lead and train their subordinates. As reported in a 1981 San Francisco Examiner article by Arnold Abrams:

Such shortages of noncommissioned offices and petty officers figure significantly in our Nation's low state of military preparedness, which finds most stateside Army units unready for combat, increasing numbers of naval vessels unable to sail and key air squadrons grounded.

Mr. President, the exodus of career enlisted noncommissioned officers and petty officers can be traced to the All-Volunteer Force. Decisionmakers, as well as Defense officials and the press, paid more attention to recruiting and not enough to retention. The emphasis was on meeting recruiting goals. Combat-trained and experienced noncommissioned officers and petty officers were removed from their specialties and assigned to recruiting and basic training. Their normal peacetime activities were nearly doubled, yet past administrations continued to terminate or threaten their very existence as wage earners and heads of families. Many left their careers to seek better treatment in the civilian market.

Those who stayed are symbolic of the proud tradition and loyalty our noncommissioned officers and petty officers have always had in sharing a heavy burden of our Nation's defense. They hold high the significance of their corps as leaders and trainers. Their code has been one of honor epitomized in the long list of noncommissioned officer and petty officer recipients of the Medal of Honor and other decorations of personal valor.

Mr. President, these officers have accepted their missions, used their experience and knowledge to train millions of service men and women, accom-

plished their tasks in an exemplary manner, and provided for the well-being of their troops. They have done all this and continue to do so under trying conditions and during unsettled times. They have done this despite the fact that this Nation has never guaranteed their tenure beyond a period of enlistment far short of a career pattern, or offered them 1 penny in severance pay if they cannot, or do not, remain in the military service until reaching retirement eligibility.

In the past 2 years, Congress has done much to recognize the career enlisted force. In 1980, it provided a substantial increase in pay and allowances. Last year it passed legislation alleviating the pay compression that has held career military wages near poverty levels and, again, provided increases in other allowances. This year, I am confident that the Congress will continue to improve the quality of their livelihood.

Meanwhile, I urge my colleagues to further recognize the contributions of our Nation's noncommissioned officers and petty officers by passing this resolution to name the week beginning with the fourth Monday in June 1982, as "National Noncommissioned Officer and Petty Officer Week." By doing so, we will foster greater public respect for the noncommissioned officers and petty officers and a wider public appreciation for their major role in our defense posture. We must retain these dedicated men and women whom we need to man our Armed Forces.

Mr. President, I ask unanimous consent that this joint resolution to designate the week of June 28, 1982, as "National Noncommissioned Officer and Petty Officer Week" be printed in the RECORD.

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

S.J. RES. 161

Whereas the noncommissioned officers and petty officers of the Army, Air Force, and Marine Corps and the petty officers of the Navy and the Coast Guard have been regarded as the "backbone" of the Armed Forces of the United States for than 200 years;

Whereas noncommissioned officers and petty officers continue to be the recruiters, trainers, and noncommissioned leaders of the men and women who join the Armed Forces of the United States;

Whereas the noncommissioned officers' and petty officers' spirit and devotion to duty is epitomized in the long list of recipients of the Medal of Honor and other decorations of personal valor;

Whereas noncommissioned officers and petty officers have made great sacrifices during their service to this Nation;

Whereas the recent shortage of such officers serving on active duty has highlighted their value to the Nation and its military forces;

Whereas the Non Commissioned Officers Association (NCOA), with a representative membership of active, retired, reserve, national guard, and former noncommissioned officers and petty officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard, will hold its twenty-first international convention in the final week of June 1982; and

Whereas it is fitting and proper to recognize the significant contributions made by all noncommissioned officers and petty officers of the Armed Forces of the United States to the freedom and defense of this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing with the fourth Monday in June 1982 is designated as "National NCO/Petty Officer Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to set aside that week to honor past and present noncommissioned officers and petty officers of the Armed Forces of the United States in an appropriate manner.

ADDITIONAL COSPONSORS

S. 265

At the request of Mr. PERCY, the Senator from Wisconsin (Mr. KASTEN), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 265, a bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings, in the congressional budget process, for loans and loan guarantees under Federal credit programs.

S. 312

At the request of Mr. LEVIN, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 312, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia, and Augustina Vashchenko.

S. 398

At the request of Mr. ARMSTRONG, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 398, a bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes.

S. 1030

At the request of Mr. MCCLURE, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1030, a bill to protect firearms owners constitutional rights, civil liberties, and rights to privacy.

S. 1573

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 1573, a bill to amend the Water Resources Development Act of 1976 with respect to Lake Oswego, and for other purposes.

S. 1782

At the request of Mr. WEICKER, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1782, a bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes.

S. 1819

At the request of Mr. WALLOP, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1819, a bill to amend the Internal Revenue Code of 1954 with respect to the taxation of crude oil purchasing cooperatives.

S. 1861

At the request of Mr. CANNON, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1861, a bill to amend the Internal Revenue Code of 1954 to simplify certain requirements regarding withholding and reporting at the source and to correct inequities regarding carryover of losses.

S. 1947

At the request of Mr. WEICKER, the Senator from Vermont (Mr. STAFFORD), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of S. 1947, a bill to improve Small Business Access to Federal Procurement Information.

S. 1968

At the request of Mr. HATCH, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1968, a bill to clarify the application of the Clayton Act and the Federal Trade Commission Act with respect to certain joint ventures which promote the international competitiveness of U.S. businesses.

S. 1984

At the request of Mr. MCCLURE, the Senator from Mississippi (Mr. COCHRAN), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 1984, a bill to amend the Federal Trade Commission Act to protect the legislative and regulatory authority of the State legislatures, and for other purposes.

S. 2078

At the request of Mr. HART, the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from Connecticut (Mr. WEICKER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Mississippi (Mr. COCHRAN), were added as cosponsors of S. 2078, a bill to prohibit the use of funds for the production of lethal binary chemical munitions.

S. 2086

At the request of Mr. METZENBAUM, the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Rhode Island (Mr. PELL) were added as co-

sponsors of S. 2086, a bill to amend title II of the Social Security Act to provide for certain procedures to accompany reviews of continuing eligibility for disability insurance benefits.

S. 2094

At the request of Mr. DANFORTH, the Senator from New York (Mr. D'AMATO), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

S. 2107

At the request of Mr. LEVIN, the Senator from Kentucky (Mr. FORD), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2128

At the request of Mr. MOYNIHAN, the Senator from New Mexico (Mr. DOMENICI), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 2128, a bill to limit the availability and use of handgun bullets that are capable of penetrating certain body armor.

S. 2150

At the request of Mr. LEVIN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2150, a bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued.

SENATE JOINT RESOLUTION 148

At the request of Mr. HELMS, the Senator from Maine (Mr. COHEN), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to proclaim March 18, 1982 as "National Agriculture Day."

SENATE JOINT RESOLUTION 149

At the request of Mr. METZENBAUM, the Senator from Michigan (Mr. RIEGLE), the Senator from Nevada (Mr. LAXALT), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week."

SENATE RESOLUTION 334—RESOLUTION RELATING TO THE RAILROAD RETIREMENT BOARD

Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. MELCHER, Mr. PELL, Mr. BURDICK, Mr. HEINZ, Mr. EAGLETON, Mr. PRYOR. Mr. SASSER, Mr. RIEGLE, Mr. WEICKER, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 334

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal to abolish the railroad retirement board;

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal to shift tier one benefit payments to railroad retirees to the Social Security Administration, and to convert tier two benefit payments to railroad retirees to a privately negotiated system;

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal for reducing dual benefit payments to railroad retirees; and

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal to disband the railroad retirement field service system: Now, therefore, be it

Resolved, That it is the sense of the Senate that changes to the Railroad Retirement Act of 1974 proposed in the budget of the President for fiscal year 1983 described in the preamble should not be implemented.

OPPOSITION TO ABOLISHING THE RAILROAD RETIREMENT BOARD

● Mr. METZENBAUM. Mr. President, I am submitting today along with Senators KENNEDY, MELCHER, PELL, BURDICK, HEINZ, EAGLETON, SASSER, RIEGLE, PRYOR, WEICKER, and BAUCUS, a resolution expressing opposition to the administration's proposal to abolish the Railroad Retirement Board, shift tier I benefit payments to the Social Security Administration, convert tier 2 benefit payments to a privately negotiated system, and reduce the dual benefit payment.

The administration's proposal, allegedly aimed at defederalizing the railroad retirement system, has sent a shockwave across the country. It has created anxiety for the million current retirees and has greatly distressed railroad workers from coast to coast.

Railroad workers and retirees have good reason for concern. The administration's plan, Mr. President, is ill conceived, unfair, and totally unwarranted.

The railroad retirement system's situation has been carefully built through the longtime interaction of three parties: Government, railroad management, and railroad labor. The administration's proposal would unravel the consensus that is at the very heart of the system. And what do we gain?

Will the recipients of tier I benefits gain by having the Social Security Administration make their payments?

No, the Social Security Administration is already overworked and it would only further burden SSA by adding another million recipients.

Will the Federal Government save money by abolishing the RR Board?

No. The administrative costs of the Board are paid entirely by the rail industry and its work force, with the Federal budget serving as a pass-through vehicle.

Will the conversion of the tier 2 benefit payments to a privately negotiated system serve the industry?

No. Shifting tier 2 benefits to private pensions would severely strain its actuarial soundness by atomizing a single plan among 20 unions and 50-60 railroads.

Will disbanding the field service system help recipients receive quicker dispositions of inquiries?

No. It will result in the beneficiaries, many of whom are widows and children, having less available to them in the way of information and assistance.

And finally, Mr. President, whose interests are served by reducing dual benefit payments?

Certainly not the recipients who have watched their checks go up and down depending on the whim of the administration. It is not fair that these individuals, who were guaranteed a rightful benefit, should face a cut in benefits.

Mr. President, I am a strong supporter of a balanced budget reducing waste, and eliminating unnecessary Federal regulation. However, the adminstration's proposal does not fit any of these criteria.

Last year, the Congress acted to tighten the financial soundness of the railroad retirement system. I believe we did a good job in accomplishing just that. Now, after enacting those changes, we are faced with a radical proposal to basically eliminate the system. I believe it is ill timed and without merit. I urge my colleagures to join with me to send a clear signal to the 1 million recipients that their plight will not be forgotten and that they have a voice in Congress.●

DEATH OF HON. CLIFFORD P. CASE, FORMERLY A SENATOR FROM THE STATE OF NEW JERSEY

Mr. WILLIAMS (for himself, Mr. BRADLEY, Mr. BAKER, Mr. CHAFEE, Mr. CHILES, Mr. CRANSTON, Mr. DODD, Mr. FORD, Mr. GARN, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mr. HAYAKAWA, Mr. INOUYE, Mr. KENNEDY, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, and Mr. ZORINSKY) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Clifford P. Case, who served in the United States Senate from the State of New Jersey from 1955 until 1979.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to attend the funeral of the deceased Senator.

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

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on "The State of American Agriculture," on Monday, March 8, at 9:30 a.m. in 6202 Dirksen Senate Office Building. The Honorable John R. Block, Secretary of Agriculture; The Honorable Henry Bellmon; Mr. Robert P. White, chairman, Van Dale, Inc.; and Mr. Carl T. Frederickson, Senior Deputy Governor, Farm Credit Administration, are scheduled to testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on "User Fees," on Wednesday, March 10, at 10 a.m. in 6202 Dirksen Senate Office Building. The Honorable Alice Rivlin, Director, Congressional Budget Office; Dr. Lester Lave, the Brookings Institution; and Charles Swinburn, Deputy Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation will testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on "The State of American Housing," on Thursday, March 11, at 2 p.m., in 6202 Dirksen Senate Office Building. Mr. Jay Janis, president, California Federal Savings & Loan Association; the Honorable Samuel Pierce, Secretary of Housing and Urban Development; Dr. Jack Carlson, executive vice president and chief economist, National Association of Realtors; and Dr. Mark J. Riedy, executive vice president, Mortgage Bankers Association of America, are scheduled to testify.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on "Federalism and State-Local Problems," on Friday, March 12, at 10 a.m., in 6202 Dirksen Senate Office Building. Scheduled to appear in the first panel are the Honorable Richard A. Snelling, Governor, State of Vermont; the Honorable Scott M. Matheson, Governor, State of Utah; and the Honorable S. Curtis Kiser, minority leader, house of representatives, State of Florida. Scheduled to appear in the second panel are the Honorable Joseph P. Riley, Jr., of South Carolina; the Honorable Tom Moody, mayor, Columbus, Ohio; and the Honorable Alfred Delbello, county executive, Westchester County, N.Y.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the hearing to consider the nomination of James C. Sanders for Administrator of the Small Business Administration scheduled for March 9, 1982, at 9:30 a.m., in room 424 of the Russell Senate Office Building has been changed to 10 a.m. instead of 9:30 a.m.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Research and Development on the Department of Energy research and development programs. These oversight hearings have been scheduled as follows: Monday, March 15 at 2 p.m. (fossil energy; conservation and renewable energy); Wednesday, March 17 at 2 p.m. (nuclear energy (other than breeder reactor programs)); and Friday, March 19 at 9:30 a.m. (energy research, inertial confinement fusion, nuclear materials security and safeguards, environmental protection). All hearings will be held in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Research and Development, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-7077.

ADDITIONAL STATEMENTS

A MONETARY STANDARD—A BASIC PART OF "REAGANOMICS"

● Mr. HELMS. Mr. President, the ongoing debate on the budget—spending cuts and possible tax increases—has centered on the deficit. The question has been put, "Should we cut spending or raise taxes—or both?"

Some economists point out that the deficit must be viewed as a result of a recession and the result of inflation. Today's debate, in sum, centers around which fiscal solution should be used, when actually this is a problem needing a monetary solution.

Mr. President, Alan Reynolds cut through a lot of political and economic fog in a recent article entitled, "The Matter with Reaganomics," which appeared in the March issue of the "American Spectator."

I recommend Mr. Reynolds' analysis to anyone seriously concerned about first, ending the recession; second, lowering interest rates; third, stopping inflation; fourth, lowering unemployment rates; and, fifth, balancing the Federal budget.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the American Spectator, March 1982]

THE MATTER WITH REAGANOMICS

(By Alan Reynolds)

Those who would blame our economic problems on last year's policy changes face a difficult task. They must somehow argue that the prospect of future tax cuts caused a recession, or that people would have gladly financed more long-term loans at lower interest rates had they been assured the Fed would keep printing lots of money.

Since nobody really believes that tax cuts cause recession or that loose money is good for bond and mortgage markets, there has been no criticism of the Reagan fiscal program that can be taken seriously, nor any serious alternatives offered on the tax and budgetary side.

The problem is not in anything the Reagan Administration did, but in something it did not do. Markets were initially euphoric because they also expected a new policy to end inflation. What they got was not a bit different from Jimmy Carter's policy: Inflation is something you constantly "fight" by narrowing the budget deficit. Nobody ever expects to win this fight, of course; nor should he with such meaningless tools and objectives.

A supply-sider, we are repeatedly told, is anybody who thinks "deficits don't matter." Since nobody in his right mind thinks deficits don't matter, this implies that supply-siders are mentally deficient.

I am quite concerned about the government's budget strains, but I am also con-

cerned about the similar financial problems of American households and enterprises. We might be able temporarily to improve the government's cash flow at the expense of the private sector, but it is hard to see how this would help; The government could then borrow less; the rest of us would have to borrow more—even to pay our taxes. We tried to tax our way out of a monetary crisis after we forced England off the gold standard in 1931. We tried a tax surcharge to fix our next defiance of the gold standard in 1968. It doesn't work. Poland is now proposing more taxes to solve its own monetary collapse. That won't work, either.

Many seemingly separate problems—from the U.S. budget deficit to the Polish debt crisis—are actually symptoms of a single problem: Long-term credit is too scarce and too expensive. The government is groaning under a $100 billion annual interest expense for the same reason that corporations are dangerously dependent on short-term loans and young households are stuck with onerous three-year mortgages. As Maury Harris of Paine Webber put it, "high federal deficits primarily reflect the impact of Fed-related high interest rates both on depressing economic activity and tax collections and raising government interest costs." Federal deficits are a consequence of the global monetary crisis, not the cause. If interest rates were anything close to normal, the budget would be in surplus. Wall Street bond traders know that, though a few notoriously partisan economists claim ignorance.

According to Henry Kaufman of Salomon Brothers, there is supposedly a "clash" between tax-rate cuts to expand real GNP and a monetary policy to slow the growth of nominal GNP or inflation. This assumes either that inflation is good for growth, or that an increase in the money supply could lower long-term interest rates. If true, bond yields would have been much lower in the seventies, when money was abundant, than in the sixties. Interest rates, on this theory, should also be lower in Argentina than in Switzerland. The Fed can expand the nominal quantity of money, but cannot thereby increase the real value of the money stock, much less the attractiveness of investing in claims on future dollars (bonds). Plenty of new money does not mean plenty of long-term credit; it usually means the opposite.

The Kaufman-Stockman theory is that the volume of borrowing determines its price. With government and business both borrowing more, interest rates must go up. That sounds plausible, but so does the exact converse: If interest rates go up, there will be fewer dollars borrowed. Neither statement is enlightening. The interest rate at which borrowers and lenders strike a deal does not depend on how much money changes hands. In fact, the volume of credit has been generally weak since 1979.

In its original form, the Reagan policy was to lean primarily on reducing marginal tax rates to improve real growth, and to construct a long-term monetary policy to end inflation. Additional support was to come from slowing the growth of federal spending, and making regulations less capricious and less costly. Dave Stockman, however, soon elevated a balanced budget as the sole objective, neglecting important deregulation (e.g., natural gas) and totally ignoring any long-term monetary reform.

Stockman and the mass media adopted an extreme Keynesian theory, wrongly blamed on Wall Street, that the collapse of bond and mortgage markets was entirely due to the budget deficit. Inflation either had nothing to do with money, or else monetary policy was the helpless victim of federal borrowing. Yet we have had much larger deficits before, relative to the size of the economy, and long-term interest rates were never even half of what they are today. President Carter brought Treasury borrowing down from a $99 billion annual rate at the start of the 1975 recovery to a negligible $8 billion by the second quarter of 1979. Inflation and interests rates did not go down, they went up. The deficit has risen since then, but conventional measures of money have slowed down. Inflation also looks better by some measures, though it is scary when officials seem pleased by an 8.4 percent GNP deflator in the fourth quarter (the 1980 average of 9 percent was the worst since 1975).

There are many possible ways of testing the theory that inflation and/or interest rates rise and fall with larger or smaller budget deficits. I have looked at federal budget and off-budget deficits as a share of GNP, related Treasury borrowing to Federal Reserve purchases of securities, and compared deficits with inflation and interest rates in a dozen countries. In each case, no link was found between deficits and inflation (or interest rates). In each case, adherents to the fiscal theory proposed yet another test. So, I added state and local budgets, or federally guaranteed and sponsored loans, or private borrowing. I also compared each of these series with the volume of savings or total borrowing. I looked into U.S. and foreign history. Still, there is no visible link between government borrowing and interests rates or inflation. When Bill Niskanen of the CEA recently confirmed this sort of evidence, he was widely chastised for daring to introduce facts into a theological debate.

Everyone assumed that supply-siders abhor all of Mr. Stockman's proposed excise tax hikes, but I was rather indifferent about it. When taxes have long been stated as a specific number of pennies, like the gasoline tax, it makes some sense to bring taxes up to compensate for past inflation. Poincaré did that in France in 1926, but he also cut income tax rates in half and restored the gold standard.

The real objection to the panicky push to pass new taxes is that it gives credence to the idea that another $15 billion in federal revenue will have an effect on inflation or interest rates. That is the silliest idea since the OMB's "September initiative" which was supposed to make bonds more valuable by trimming $4 billion off federal spending. A waste of scarce time.

The central economic trauma is quite obvious. People, and the institutions that manage their assets, are unwilling to lend money for long periods of time without a very high yield. The high yield is to compensate for the risk that today's dollar may be worth a dime when 20-year bonds and mortgages are paid off.

It is not simply that long-term interest rates are still too high, though they certainly are, but that borrowers cannot know whether they are going to end up high or low after adjusting for unknown future inflation. No indexing scheme quite gets around this problem. How can a household, with a variable-rate or balloon mortgage, plan its finances when future mortgage payments may be unbearable? That sort of fear provokes retrenchment, and the problem is pervasive. For one thing, the shortage, uncertainty, and expense of new mortgages has vastly reduced the mobility of labor, which is crucial to dynamic efficiency.

The economy's precarious dependence on short-term credit mirrors the growing unwillingness of people, and the institutions entrusted with their savings, to commit funds for long periods of time—to finance bonds, stocks, or mortgages. It is not possible to exaggerate how dangerous this situation is. It is not a new problem. but has accelerated markedly since the 1968-73 moves away from gold. This is not a coincidence.

In 1965, corporations could finance new investments by selling long-term bonds at 4.5 percent. Mortgage interest rates were below 6 percent. That was not unusual. In the entire history of our country, long-term interest rates almost never exceeded 5 or 6 percent. The only exceptions were during the two previous experiments with irredeemable paper money—Continental currency in the Revolutionary War, greenbacks in the Civil War.

Our third experiment with fiat money began, symbolically, with the elimination of silver coins in 1964, the two-tier pricing of gold in 1968, and the final repudiation of our national pledge to convert dollars to gold on August 15, 1971. Since that time, the cost of long-term financing has gone higher and higher, regardless of the savings rate, and regardless of the budget surplus of 1969 or the shrinking deficit from 1976 through 1979. For over a dozen years, we have seen an accelerating loss of confidence that the dollar will hold its purchasing power in the future, and therefore a growing unwillingness to commit funds to the long-term investments needed to keep the economy from deteriorating.

The shortage of long-term credit cannot be solved by enticing people to save a larger share of existing production, because that production is too low and added savings are just flowing into short-term money markets. Taxing consumption is not fundamentally different from taxing incomes or saving (future consumption), and would not help. And contrary to economist John Rutledge, large losses on real estate do not necessarily make the losers anxious to buy bonds. What is needed is to make bonds a safe investment again.

Bonds and mortgages are a promise to pay dollars in the distant future. The interest rate on such claims to future dollars clearly depends most of all on the expected future purchasing power of the dollar. The value of future dollars, in turn, is mainly dependent on future monetary policy. What the Federal Reserve is doing right now, or what the latest price index says about current inflation—these things are at best indirect clues to the future. No short-term change in the amount of money could have prevented the bond market collapse that led to recession. Trouble in long-term markets requires a long-term solution.

This is not to let the Fed off the hook. Pledging to let interest rates approach infinity in order to slow M1B is enough to scare anyone into borrowing before that happens. As rates went up, people naturally kept more money in high-yield money market funds, overnight RPs, and Eurodollars. It spends like money but keeps M1B down, and each dollar of M1B then finances more spending than usual (that is, velocity speeds up). From the third quarter of 1980 to the same quarter of 1981, annual trends in nominal GNP rose from 8 percent to 12 percent—spending or "demand" accelerated as M1B slowed down.

The Fed understands how arbitrary the measures of money are becoming, but not what to do about it. Anthony Solomon,

president of the New York Fed, observes that "we may already be nearing the point where the Federal Reserve can influence the growth of these broad measures [of money] only indirectly by first influencing the behavior of the economy itself."

To slow some arbitrary measures of money, the Fed feels obliged to toss an occasional credit crunch to flatten the real economy. Chairman Volcker is also a firm believer in "slack" (a euphemism for unemployment) as a way to fight inflation. Annual recessions, unknown since 1918–1920, are the Fed's new technique for lowering credit demands by bankrupting borrowers. Yet recessions do not provide any lasting relief from inflation. Indeed, inflation worsened during the last two recessions, and has almost never improved significantly for even a single year after recession.

Fed governors would also have us believe that deficits and money growth are interchangeable substitutes. That is, we could fight inflation with budget deficits and slow money growth, or we could fight inflation by balancing the budget and printing lots more money. This is what Mr. Solomon means when he says "we shouldn't overload monetary policy with the full burden of countering inflation." Cut the deficit, the Fed promises, and we'll pump up the money supply. They did that for President Carter, after all, and we saw what happened.

The hard truth is that the nation still has no plan to get inflation to near-zero and keep it there. We have no predictable monetary policy at all, no way of knowing what monetary authorities intend to do in the years ahead or how or why. The Fed manipulates overnight interest rates to influence the nonborrowed part of bank reserves in order to approach shifting targets for a variety of measures of money in the hope of having some unspecified impact on total spending and thereby perhaps either affecting inflation, engaging in countercyclical fine-tuning, or manipulating interest and exchange rates. In short, the Fed uses inadequate tools to hit irrelevant targets in order to meet unknown or unachievable objectives.

We can prudently ignore short-term interest rates, like the bank prime rate. If the long-term doubts about the dollar were solved, short rates would take care of themselves. Businesses, households, and governments could then reduce their precarious dependence on short-term credit, making short-term interest rates lower and more stable. Indeed, the long-term interest rate reflects the expected trend of short-term rates, so it is now telling us that any easing of short-term rates will be very brief. In late January, the prime rate was four percentage points lower than a year before, but long-term interest rates were two percentage points higher. That is not an improvement.

Long-term interest rates clearly reflect expected inflation. And inflation clearly depends on how much money there is and how rapidly it is spent (velocity) relative to the growth of production. More production can help a bit, but no supply-sider ever said that tax cuts are the cure for inflation.

To sum it up, the collapse of bond markets reflects expected inflation and inflation depends on monetary policy.

The difficulty with continuing to pursue fiscal solutions to the world monetary crisis is not that the initiatives are bad, but that they are irrelevant. Constant fiddling with changes in spending and taxes, where additional changes are now necessarily quite small, simply diverts attention from genuine solutions to genuine difficulties.

Give Stockman a vacation, or lend him to Poland. Convene economists from the Treasury, the Council of Economic Advisers, and the Federal Reserve and ask them to nail down a monetary policy that will instill long-term confidence in money. Ignore the White House political advisers, who are inherently afraid of meaningful change. Hold an international monetary conference, like Bretton Woods but better.

The Administration has at least begun to talk about monetary policy, but the talk adds to the confusion. Sprinkel thinks the Fed did well "on average," Regan and Gergen once wanted a bit more M1, but the President thought one weekly number was too big. Whatever this is, it is not a policy. We don't even know what the Fed is going to do from one week to the next, or what it is trying to do and how it intends to do it. There must be a credible long-term plan to maintain the purchasing power of the dollar over decades. That has always been an implicit promise of Reaganomics, and has always been a central plank of classical supply-side economics.

My monetarist friends claim to have a few more technical adjustments, or a secret plan, that will do the job. Yet they have been saying that for a decade since Nixon, on their advice, ended the last institutional guarantees of the quality of money. Those os us with three-year 15-percent mortgages are growing impatient. Let us take a look at any concrete monetary reform. If the plan shows promise, long-term interest rates will drop like a stone. If those rates do not drop, monetary policy remains a failure, and a new approach must be tried.

The nation and the world are adrift without a monetary anchor, without a durable unit of account. There has been a fundamental loss of confidence in managed money, and there is not likely to be a managerial solution. The only thing that has ever worked is guaranteeing to convert dollars into gold at a known price, adjusting policy levers to make that promise stick. I am often told that "gold is not the answer," but those who seem most certain about that have not yet asked the right questions.●

PROPOSED ARMS SALES

● Mr. PERCY. 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 stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. Any portion which is classified information has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room 4229 Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 1, 1982.

In reply refer to I-01398/81ct.

Hon. CHARLES H. PERCY,
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. 82-45 and under separate cover classified listings of current War Reserve Stocks for Allies (WRSA). This Transmittal concerns the Department of the Defense's proposed Letter of Offer to Korea for defense articles and services estimated to cost $2 billion. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Korea.

(ii) Total estimated value:

[In 1981 dollars]

Major defense equipment [1]	$1,292,099,900
Other	707,900,100
Total	2,000,000,000

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Munitions, spare and repair parts, support equipment, and general supplies from DOD stocks designated as War Reserve Stocks for Allies (WRSA), including supply operations.

(iv) Military department: Defense Security Assistance Agency (ZZZ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: March 1, 1982.

POLICY JUSTIFICATION

KOREA—SALE OF DEFENSE ARTICLES AND DEFENSE SERVICES

This sale will provide for the transfer to the Republic of Korea (ROK) Government of munitions, spare and repair parts, support equipment, and general supplies from DOD stocks designated as War Reserve Stocks for Allies (WRSA), including supply operations. Delivery and passage of title will occur following a declaration of Defense Condition II in Korea, receipt of an official ROK Government request, and a joint determination by the President of the United States and the President of the Republic of Korea that hostilities are occurring or are imminent.

In the event of renewed large-scale hostilities in Korea, there will be an urgent requirement to transfer large amounts of U.S. Government-owned materiel designated as WRSA to ROK forces on an emergency basis. Most of this materiel will come from

stockpiles located in Korea, but some items will have to be provided from the continental U.S. (CONUS) and other offshore locations.

The dollar value of items to be transferred under this sale is expected to amount to approximately $2 billion in 1981 dollars.

This sale will ensure the timely supply of WRSA items required for the defense of Korea in the event of a military emergency. It will contribute to the foreign policy objectives of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for modernization and progress in eastern Asia.

The sale will enhance deterrence and contribute to the preservation of peace and stability on the Korean peninsula.

The sale will involve such WRSA items as may be determined by the U.S. Government to be available for transfer from DOD's inventory.

Because of the scope of this transaction and the requirement for unusually detailed and precise definition of specific U.S. Government and ROK Government responsibilities and the terms and conditions under which transfers would be accomplished, this transaction will be carried out pursuant to a Memorandum of Agreement (MOA) in lieu of a Letter of Offer and Acceptance. Following satisfactory completion of the Congressional notification period, the Department of Defense will negotiate and sign the MOA.

Implementation of this sale will not require the augmentation of existing U.S. logistic management capabilities in Korea.

There will be no impact upon U.S. defense readiness as the result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 2, 1982.

In reply refer to I-00255/82ct.

Hon. CHARLES H. PERCY,
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. 82-43 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $350 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$146
Other	204
Total	350

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Ten RF-5F tactical reconnaissance aircraft and five F-5E/F aircraft, special and multi-purpose cameras, specialized support equipment, and three years of spare parts support.

(iv) Military department: Air Force (SLA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 2, 1982.

POLICY JUSTIFICATION

SAUDI ARABIA—F-5 AIRCRAFT

The Government of Saudi Arabia has requested the purchase of ten RF-5E tactical reconnaissance aircraft and five F-5E/F aircraft, special and multi-purpose cameras, specialized support equipment, and three years of spare parts support at an estimated cost of $350 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own security and self-defense by allowing the transfer of reasonable amounts of defense articles and services. Saudi Arabia's strategic location on the Arabian Peninsula and its role as a major oil producer require a modern defense force capable for ensuring the nation's security. The sale will demonstrate the continuing willingness of the United States to support the Saudi Arabian effort to improve the security of the country while acting as a force for moderation in the region.

This sale will provide the Royal Saudi Air Force with an upgraded tactical aerial reconnaissance capability and satisfy attrition requirements of its F-5 fleet.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Northrop Corporation of Hawthorne, California.

Implementation of this sale may require the assignment of a small number of U.S. Government or contractor personnel to Saudi Arabia at the time of the delivery of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.

In reply refer to I-13053/81ct.

Hon. CHARLES H. PERCY,
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. 82-39, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $67 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$0
Other	67
Total	67

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: This amendment will increase the capitalization value of the existing stock level equity (FMSO I) portion of the Cooperative Logistics Supply Support Arrangement (CLSSA) case for spare parts in support of major items of defense equipment of U.S. origin already delivered to and being operated by the Saudi Arabian armed forces.

(iv) Military department: Air Force (KAA, Amendment #8).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

SAUDI ARABIA—COOPERATIVE LOGISTICS SUPPLY SUPPORT ARRANGEMENT

The Government of Saudi Arabia has requested that the value of the existing Cooperative Logistics Supply Support Arrangement (CLSSA) FMSO I stock level equity case for support of major items of defense equipment of U.S. origin already sold to Saudi Arabia be increased from $47 million to $114 million, an increase of $67 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

This amendment will increase the CLSSA FMSO I equity of Saudi Arabia in the U.S. Air Force logistics system and will provide continued logistical support for major items of defense equipment of U.S. origin previously sold to Saudi Arabia.

This sale will not affect the basic military balance in the region.

There will be no prime contractor for this transaction.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.

In reply refer to I-13319/81ct

Hon. CHARLES H. PERCY,
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. 82-40, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $30 million. Shortly after this letter is deliv-

ered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$23
Other	7
Total	30

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: A quantity of 12 UH-1H helicopters with three spare engines, spare parts, and support equipment.

(iv) Military department: Army (VAI).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

THAILAND—HELICOPTERS

The Government of Thailand has requested the purchase of 12 UH-1H helicopters with three spare engines, spare parts, and support equipment at an estimated cost of $30 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in the neighboring countries.

The Thai armed forces will use the UH-1H as a multi-purpose aircraft, primarily for troop lift and administrative support. The current Thai fleet of helicopters is aging. New replacement aircraft are imperative for mission accomplishment. The Thai armed forces have an established logistical support system capable of maintaining the UH-1H.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Bell Helicopter Textron of Ft. Worth, Texas.

Implementation of this sale will require the assignment of five additional U.S. Government personnel to Thailand for approximately two weeks to accomplish quality assurance activities.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.

In reply refer to I-00001/82ct.

Hon. CHARLES H. PERCY,
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. 82-41, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $33 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$25
Other	8
Total	33

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: A quantity of 148 M113A2 armored personnel carriers and 40 M825 ¼ ton trucks with support and ancillary equipment.

(iv) Military department: Army (VAM).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

THAILAND—ARMORED PERSONNEL CARRIERS (APCS) AND ONE-QUARTER TON TRUCKS

The Government of Thailand has requested the purchase of 148 M113A2 APCs and 40 M825 ¼ ton trucks with support and ancillary equipment at an estimated cost of $33 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in neighboring countries.

The Royal Thai Army (RTA) is forming a new armored division. This equipment will be used by the mechanized reconnaissance element of this new division. The RTA will be able to operate and maintain this equipment.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors will be the FMC Corporation of San Jose, California, for the APCs and the AM General Corporation of South Bend, Indiana, for the ¼ ton trucks.

Implementation of this sale will require the assignment of three additional U.S. Government personnel to Thailand for approximately three weeks to accomplish quality assurance activities.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.

In reply refer to I-00104/82ct.

Hon. CHARLES H. PERCY,
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. 82-42, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $17 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$15
Other	2
Total	17

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Twenty-eight M198 155mm towed howitzers.

(iv) Military department: Army (VAL).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

THAILAND—M198 TOWED HOWITZERS

The Government of Thailand has requested the purchase of 28 M198 155mm towed howitzers at an estimated cost of $17 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in neighboring countries.

The sale will assist in redressing the imbalance between Thai forces and those of neighboring countries. It will be favorably regarded by friendly countries in the region as an indication of continued U.S. interest in assisting a friendly country to provide for its own security.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Rock Island Arsenal of Rock Island, Illinois.

Implementation of this sale will require the assignment of three additional U.S. Government personnel to Thailand for approximately two weeks to accomplish quality assurance activities.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. 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 sales 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 such a notification was received on March 1, 1982.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room 4229 Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 1, 1982.

In reply refer to I-00200/82ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, 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 tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.●

SOVIET ARMS BUILDUP

● Mr. GOLDWATER. Mr. President, on March 2, the Honorable Alton Keel, Assistant Secretary of the Air Force, Research, Development, and Logistics, gave one of the most comprehensive reports on the Soviet buildup of armament and its relationship to our own that I have had the pleasure of reading. Because we hear so many comments coming from Members of the Congress that we have to cut the defense budget, I ask that this article be placed in the RECORD. We have begun hearings on tactical warfare and I only wish that our colleagues in the Congress who are crying the loudest for defense reductions could sit through just one hearing and I think they would understand quickly and completely that even though the defense authorization is very, very high, our ability to produce in numbers of the money we have is very, very low.

I trust that this article of Dr. Keel's will be read by Members of the Congress to obtain a better understanding of just what problems face us.

The article follows:

OPENING STATEMENT: FISCAL YEAR 1983 AIR FORCE RESEARCH AND DEVELOPMENT, ACQUISITION AND LOGISTICS PROGRAMS

(By Hon. Alton G. Keel)

Mr. Chairman and Members of the Committee: I welcome this opportunity to meet with you today to report on Air Force Research and Development, Acquisition and Logistics Programs and the Fiscal Year 1983 budget request for these programs. It is only appropriate that we start with a discussion of the threat we face as a nation from the Soviet Union and the Warsaw Pact countries. This threat determines the priorities as well as the substance of our Fiscal Year 1983 and Five-Year Defense Programs. Our decisions today will determine whether we develop and field those weapon systems needed to meet the Soviet challenge in the late 1980s and beyond. The need to meet this challenge comes at a time when domestic pressures are mounting for us to review, and perhaps, to revise our national priorities of defense versus nondefense spending. It is imperative in this environment that we review the threat and, hence, the need for our defense request.

In addition, I would also like to discuss our commitment to get the most out of the defense dollar. We are firmly committed to increasing efficiency and to reducing waste in our weapon system acquisition process. Furthermore, we are dedicated to improving supportability and maintainability of the systems we do procure. In short, we want to field cost-effective weapon systems which are fully supportable in the operational environment. We cannot afford to do less . . . and we will not settle for less.

Now, let me begin by addressing the Soviet Challenge we face, as I view it. It is important as we examine and debate U.S. defense spending that we keep in perspective the magnitude of the Soviet buildup and the steadfast commitment on the part of the Soviets to sustain defense investment. It is thus of benefit to review and update the trend in Soviet military investment and to examine the consequences.

First, to appreciate fully the extent of the Soviet and Warsaw Pact commitment to national defense, it is interesting to make the following comparisons of resources between the Warsaw Pact and the Atlantic Alliance and Japan. The Alliance and Japan has a roughly two-to-one advantage in population or people resources over the Warsaw Pact. The Alliance with Japan has over a three-to-one advantage in gross national product, or gross domestic product over the Pact. Yet with this advantage in population and in national wealth, the size of the Alliance defense effort—priced in dollars—is only 10% more than that of the Pact.

This comparison does not tell us whether our defense effort is too large, too small, or just right. It does illustrate, however, that the size of the Warsaw Pact defense effort is three times greater as a percent of gross national product as that of the Alliance. Thus, it is difficult to sustain an agreement that we cannot afford more for defense if, in fact, we judge it is required.

To understand the significance of this relative comparison of total defense effort we must examine its components. In so doing we determine that in terms of so-called military investment—procurement of weapons, research and development for weapons, and military construction for support of weapon systems—the Warsaw Pact effort is significantly larger than the Alliance. Furthermore, the Warsaw Pact has been out-investing the Alliance in weapon systems since about 1972. In fact, the cumulative asymmetry in investment over the 10-year period from 1971 to 1982 now favors the Warsaw Pact by about $100 billion. But even this comparison of military investment between the Warsaw Pact and the Alliance does not truly reflect the total inherent advantage that the Warsaw Pact accrues from this edge in investment.

There are other considerations which make this advantage greater.

First, the Soviet Union contributes 90 to 95% of the total military investment of the Warsaw Pact, and hence imposes control over use of those resources. The United States effort, on the other hand, constitutes about 60% of the Alliance military investment. With the Soviet Union in control of almost all of the Warsaw Pact military investment, the result is a more efficient and effective use of those resources. There is less duplication and less redundancy in forces and in military capability. Secondly, and perhaps most significantly, there is greater efficiency through procurement of larger numbers of given types of weapon systems.

Thus, the "effectiveness" of the Alliance military investment as compared to that of the Warsaw Pact is clearly less or the advantage to Warsaw Pact in "effective" military investment is even greater.

To put the magnitude of the Soviet defense commitment in true perspective, we must compare directly Soviet military investment to U.S. investment. In making that comparison, we find that the Soviet Union today is out-investing the U.S. in weapon systems almost two-to-one. Over the last decade the dollar costs of Soviet efforts have exceeded those of the U.S. by over $400 billion more in weapon systems than has the U.S.—$230 billion more in procurement of weapon systems, $100 billion more in research and development for future systems, and $70 billion more for military construction to support weapon systems. In fact, the Soviet Union's investment efforts have been larger than those of the U.S. for about the last 15 years.

It is significant to note that a sustained gap between U.S. and Soviet military investment will persist through the period of the President's Fiscal Year 83 Five-Year Defense Plan, even with the projected increases in defense spending. The Soviet Union has been, is now, and will be investing more in defense—even with the President's new Five-Year Defense Plan. Yes, the President's plan is a bold start which will begin to reverse adverse trends in the military balances. But it cannot be done in a few years, and that is not our intent. To meet the challenge, we must sustain a continuous, steadfast commitment to allocating sufficient resources for defense.

The military benefit to the Soviet Union, owing to their advantage in military invest-

ment, manifests itself into two principal ways.

First and most obvious, the advantage in military investment has correlated into a substantial Soviet Union advantage in numbers or quantity of weapon systems, especially in conventional forces. Secondly, this steady, sustained Soviet advantage in military investment has also now translated into an unprecedented pace of modernization of Soviet military forces. The consequence of which, of course, is higher quality weapons. We can see both these trends if we examine Soviet fighter production, as a typical example.

In total tactical fighter production the Soviets are outproducing the U.S. by better than 2½ to one. Over the decade of the 70's the Soviets produced more than twice the number of fighter aircraft as the U.S. The production rate of the Soviet Flogger alone exceeds all U.S. fighter aircraft production. With the Soviet rate of aircraft production, we could replace our entire active U.S. Air Force Tactical Fighter Force every seventeen or eighteen months. With the USAF rate of fighter aircraft production planned for Fiscal Year 1983, it would take us over twenty-five years to replace the Soviet tactical fighter force.

In fact, overall, the Soviets are out-producing the U.S. in weapon systems about three-to-one, while the estimated dollar cost of the Soviet effort exceeds ours by two-to-one.

The Soviets accomplish this not by buying simpler less expensive systems but by using the leverage of greater military investment to take advantage of the economies of scale. With the advantage in military investment, the Soviets buy more systems at more economical rates, and thus at lower unit weapon system costs than would otherwise be possible.

With this advantage in aircraft production, the Soviets have attained and maintained a numerical superiority. Moreover by sustaining this rate of production, this advantage has translated into a Soviet pace of fighter aircraft modernization which far surpasses that of the U.S. The consequence has been an increasingly modern Soviet air force.

So as a result of the sustained Soviet military investment, today about two-thirds of their 4500 air-to-air fighters are new generation aircraft—the so-called "third generation" aircraft, such as the MIG-23 and MIG-27 Flogger, the MIG-25 Foxbat, and the SU-24 Fencer. These new generation aircraft are replacing the older second generation aircraft—the MIG-19 and MIG-21 series and so on. More impressive perhaps is the fact that within the next year or so the Soviets will begin introducing their next fourth generation aircraft. So they are programmed to begin introduction of their future generation aircraft before they even complete the current introduction of their new aircraft. The obvious result, of course, is that the Soviets are extensively modernizing their air force with more and more capable aircraft. The average age of their fighter force is about 5½ years—or about one-half the average age of the U.S. fighter force.

The next pertinent question is how capable are the new Soviet aircraft. The simple answer is—quite capable. Comparisons of USAF F-15 and F-16 aircraft with the new generation Soviet aircraft as well as the future generation Soviet aircraft indicate areas where the Soviets have an advantage—average speed, thrust-to-weight ratio, air-to-ground combat radius.

In short, the conclusion is that the new Soviet aircraft are indeed highly capable. The Soviet air force represents a formidable offensive threat and is attaining an increasing ability to project force.

Similar conclusions can be reached with respect to the evolving U.S.-Soviet military capability and with respect to the shifting U.S.-Soviet force balance from analyses of other mission areas. The Soviet's publications document their own stark and sobering conclusion.

On the cover page of the January 15, 1980 edition of the Soviet Red Star publication, the Soviets state "With respect to the military balance, the correlation of forces has shifted." Based on the evidence, it is difficult to argue with this statement. The Soviets also assert that the balance has shifted "Once and for all and irrevocably." This assertion is unacceptable! The challenge we face is to make sure that this will not be the case.

Our success in meeting this challenge will, to a great extent, depend upon our maintaining a continuing commitment to rebuilding our nation's defenses. We are beginning to make progress. Over the past few years, we have had real growth in funding, and our Fiscal Year 1983 request is another strong step forward toward meeting the Soviet challenge. We must not waiver from our commitment. The threat has not diminished, nor should our resolve.

STRATEGY FOR THE 1980'S

Mr. Chairman, as indicated by the above discussion, it is clear that we face an adversary with serious long term goals incompatible with our own, whose defense efforts far surpass legitimate defensive needs. We must therefore undertake a sustained effort to increase the ability of the United States and our allies to protect our common interests and to deter any use of force.

The United States remains committed to a defensive use of military strength. Our objectives is to deter aggression or to respond to it should deterrence fail. It is not to initiate warfare or pre-emptive attacks. This requires that our military forces be prepared to respond after the enemy has taken the initiative and to react so strongly that our counterattacks will inflict unacceptably high cost on the enemy—a requirement that puts a heavy burden on our readiness and intelligence capability.

This places the highest priority upon assuring that we have military forces and the command, control, communication and intelligence (C^3I) that can respond to a variety of potential crises of extended duration.

Let me highlight our Air Force programs designed to meet our defense requirements.

STRATEGIC SYSTEMS

Over 40% of the FY 1983 Air Force RDT&E program is devoted to strategic offensive and defensive forces. This emphasis is dictated by the need to upgrade our strategic capabilities and to redress the imbalance in U.S.-Soviet strategic forces. The fundamental objective of our strategic nuclear forces is to deter nuclear attack. In light of substantial Soviet commitment to strategic force buildup, the ability of our strategic forces to maintain their deterrent value must be ensured by a series of steps for force modernization.

Last October President Reagan announced a comprehensive plan for strategic force modernization. The intent of our program is to strengthen deterrence of nuclear war by denying the Soviets any realistic prospects of gaining an advantage by initiating the use of nuclear weapons. Survivability and endurance are key attributes of this plan.

There are five mutually reinforcing elements of the Reagan program: (1) improvements in strategic command, control, and communications (C^3) systems; (2) modernization of our strategic bomber force; (3) development of new submarine-launched ballistic missiles; (4) a step-by-step plan to improve the capability of our ICBM's and to reduce their vulnerability; and (5) improvements in strategic defense. The Air Force is responsible for carrying out much of the President's strategic program.

Over the past decade we have developed impressive C^3I capabilities for peacetime use. However, we have not made these systems as survivable as we would like, nor have we provided a reliable post-attack C^3I system. Thus the President's program placed the highest priority to improvements in our warning systems, command and communication links, including the capability of a post-attack reconstitution to ensure enduring C^3I. These improvements, which are supported in the Air Force budget, are intended to ensure that we can effectively employ our nuclear forces throughout all stages of a conflict and thus maintain a credible deterrent.

A critical and growing challenge facing us today is improving the capability and survivability of our land-based ICBM forces. The M-X missile under development is the cornerstone of our plan to improve ICBM capability. A key objective of our plan is a survivable and enduring basing mode. Several options are being evaluated and a selection of the preferred mode will be made in July 1983.

The Army has the lead in pursuing ballistic missile defense (BMD) alternatives that represent evolutionary improvements over concepts of the past. The Air Force is working closely with the Army to assure effective coordination of BMD efforts with our MX deceptive basing efforts. It is essential that full cooperation and communications be achieved and all levels of management are dedicated to accomplishing this.

Historically, the unique military characteristics of the manned bomber have provided a vital dimension of flexibility to our strategic and tactical forces. Bombers are the only element of the Triad that can be launched prior to a decision to employ these weapons.

The B-52's have been the mainstay of our manned bomber forces for the past 25 years, but their ability to continue to serve effectively in the penetration mission is diminishing.

The limitations inherent in the B-52 make it imperative that we start fielding a replacement aircraft now. We have begun a timed-phased bomber modernization program designed to produce 100 B-1Bs which will have an initial operational capability (IOC) in 1986 and produce an Advanced Technology Bomber (ATB) with an estimated IOC in the early 1990s.

Acquiring the B-1B while continuing to pursue the ATB is the most prudent approach for revitalizing our bomber forces.

This approach enables us to field the necessary additional forces required during a period when the United States must depend heavily on bombers, while we take the proper steps to stengthen our land-based missiles. It will also provide time for an orderly and logical development pace of the ATB to capitalize on this important technology and avoid the costly major redesigns

likely in a too rapidly paced program. In addition, a combined force of B-1Bs, ATBs, and cruise missiles will place maximum stress on Soviet air defenses and provide the United States with significant leverage in our long-term strategic competition with the Soviets.

We are continuing development and procurement of the Air Launched Cruise Missile (ALCM), the only major near-term initiative we have to counter the growing expansion of Soviet strategic capabilities. The ALCM enhances our bomber's capabilities by providing greater weapons accuracy, increased flexibility for bomber routing and targeting, reduced bomber exposure to defense, and defense saturation.

Tanker aircraft are a vital part of our bomber and conventional forces. In the KC-135 program, the major effort is to replace the current engines with CFM56 modern technology engines. Reengining with CFM-56 is the most cost-effective means of alleviating a serious and growing thanker shortfall. In addition, the new engines will offset the high and growing costs of operating and maintaining the present aging engines.

In the area of strategic defensive systems, we have large gaps in radar coverage provided by the North American Defense Warning Network, our strategic air defense interceptors are obsolete, and our anti-satellite and ballistic missile defense programs have lagged behind those of the Soviets. As indicated above, the President's program calls for vigorous research and development on ballistic missile defense. It also takes the first steps toward improving the other components of our strategic defensive forces.

The North American air surveillance network will be upgraded in coordination with Canada. The plan includes some combination of over-the-horizon backscatter (OTH-B) radars, AWACS aircraft, and improved versions of the ground radar systems that exist today. It also calls for replacing the aging five squardrons of F-106 interceptors with new F-15s. Additional AWACS aircraft will augment the ground-based radars in peacetime and will provide surveillance and control for interceptors in wartime. We also plan to continue to demonstrate an anti-satellite system as a counter to the capability already demonstrated by the Soviets.

SPACE-RELATED ACTIVITIES

Finally, Mr. Chairman, I want to conclude this part of the statement with a brief discussion on space and space-related systems. Our space systems have unique capabilities enabling many missions to be accomplished more efficiently than with earthbound systems. The United States is becoming increasingly reliant on these systems for such missions as navigation, communications, and surveillance and this dependence will increase.

We are developing navigation systems such as the NAVSTAR Global Positioning System that will provide extremely accurate position and navigation information, to be used by all services as well as the civil sector. We also have requirements for expanded global communications from space as well as highly jam-resistant and survivable satellite communication for tactical and strategic command elements.

The importance of space systems for the United States is well realized by the Soviets, who have the world's only operational Anti-satellite (ASAT) system. To ensure our systems are available when needed, we are examining methods to increase survivability. The United States also recognizes the value of Soviet space systems and is developing an ASAT system to ensure that space does not become a Soviet sanctuary.

In addition, the Department of Defense is committed to the Space Shuttle and has worked closely with NASA to develop methods of exploiting the Shuttle's capabilities. The Air Force is developing the Inertial Upper Stage booster and building a Shuttle launch capability at Vanderberg AFB to support civil and military missions requiring higher orbit inclinations, which cannot be flown from Kennedy Space Center. The Vandenberg launch facilities are planned to support an October 1985 initial operating capability.

CONVENTIONAL FORCE PROGRAMS

Turning our attention now to conventional forces, the major threat facing our general purpose forces continues to be the numerically superior forces of the Soviet Union/Warsaw Pact. Western strategy has relied heavily upon technological superiority to offset this quantitative advantage. Accordingly, we are pursuing carefully selected general purpose programs which enhance the flexibility, deployability, firepower, and relatively quick response to our tactical air force.

The most demanding conventional threat the United States must deter and counter is an attack on Western Europe by the Warsaw Pact. To meet the Soviet challenge, we have constructed a force improvement plan for maintaining our qualitative edge. In the near term, we will develop evolutionary improvements to our existing fighters while continuing balanced procurement of the F-16 and F-15.

To deal with our disadvantage in numbers as well as the dense defenses of the Warsaw Pact, we are emphasizing weapons that achieve much higher effectiveness through accuracy and lethality, while reducing aircraft attrition through standoff or reduced exposure.

Over the last few years Soviet tactical air has changed from primarily a limited range defensive force to a formidable offensive force.

They now have the capability to conduct strikes against targets anywhere in NATO Europe. To meet this challenge, the Air Force must continue to procure and improve F-15 and F-16 fighter aircraft. Our RDT&E emphasis is on increasing the air-to-air capabilities of our fighters. The most important improvement under development is the AMRAAM, employing technology which gives it a high kill probability from standoff ranges.

Soviet air defense systems continue to grow in density, quantity and complexity as the Soviets develop and deploy new tactical and strategic air defense systems. These new systems emphasize mobility and use both radar and electro-optical means for target acquisition and tracking. Growth in their air defense capability has also been marked by increased reliance on command, control, and communications as they strive to maintain a highly reliable, efficient, and integrated system.

Because of this growing threat, we have and will continue to place considerable emphasis on electronic combat. Our objective is to achieve a mix of systems which disrupt, degrade, deceive, or destroy an enemy's air defense network in order to ensure the survivability of our aircraft and aircrews. To accomplish this, we have programmed updates for our operational defense suppression systems, as well as continued development of several new systems to handle the highly sophisticated Soviet threat.

To protect our global interests, the U.S. deploys some forces forward, prepositions limited amounts of material, but maintains the majority of our forces and supplies at home.

These home-based forces, supported by mobility resources, serve as a centrally located strategic reserve which can be projected anywhere in the world.

Airlift is the most visible, responsive, and flexible element of our mobility resources. Its primary role is to project and sustain combat forces until other means of transportation can deliver the required follow-on support. In many situations, airlift is the only means of responding rapidly, because of either the geographic location or the speed with which the threat develops.

Existing airlift is seriously inadequate to meet the mobility requirements of our conventional war strategy. The Air Force RDT&E and procurement strategy will begin correcting the airlift shortfall. We have ongoing programs to improve the readiness, sustainability and capabilities of our current aircraft. Our programs include increasing spare part stocks and crew ratios to permit higher utilization rates of our C-5 and C-141 aircraft. In addition, we plan to increase inventories of C-5 and KC-10 aircraft.

To make full use of our investments in modern weapon systems and munitions we must make similar investments in readiness and sustainability and thus assure that our forces are ready for combat on short notice and capable of sustained military operations over a considerable period. We must have the proper mix of modern equipment and well trained, dedicated people supported by modern repair facilities, sufficient spare parts, and adequate stocks of effective munitions to achieve such readiness and sustainability.

In our FY 83 budget submission, we have continued to place priority emphasis on improving the combat preparedness and staying power of our forces. This is necessary in view of the significant deficiencies in our present ability to sustain effective combat and the very real possibility that we may be required to use military force to defend our global interests over the next few years.

TECHNOLOGY INITIATIVES

Now, I would like to discuss another aspect of meeting the Soviet challenge—namely, maintaining our technological edge. The nature of our worldwide commitments almost guarantees that our forces will be outnumbered, especially in the crucial early phases of conflict. Today we have that technological edge which can alleviate some of this imbalance. However, while maintaining their dedication to overall numerical superiority, the Soviets are narrowing the technology gap.

We must continue a strong research, development, test and evaluation program which investigates technology that will enable us to counter future threats and correct military deficiencies., The goal of our Technology Base Program is to use advanced technology to develop more effective weapons that are also reliable, maintainable and, above all, affordable.

The FY 1983 Technology Base program is our response to the challenges to our future. It provides a lean, focused foundation for national initiatives in science and technology to exploit promising breakthroughs for operational usage.

As indicated we will emphasize technology application to make our system more reli-

able, more maintainable and in general more supportable.

In the the area of logistics, for example, the demands of our new and future weapon systems and the diversity and dynamics of logistics force structure underscores the importance of a comprehensive logistics R&D program. Logistics employs over 40 percent of our Air Force work force and accounts for 30 percent of the dollars which directly affect readiness and force sustainability. Research and development is needed to assure the supportability of our emerging weapon systems and to gain knowledge of how logistics force structures must operate in the future.

A logistics long-range planning program is now being used to determine research requirements. We are strengthening the management structure and funding of the laboratories in both the technology base and engineering development. Laboratory development efforts which once focused exclusively upon performance improvements are now giving due consideration to supportability and cost.

Programs have been started to evaluate diagnostic and built-in test techniques to improve weapon system and component maintainability and to reduce the burden of maintenance at the unit level. We are examining battle damage repair concepts to enhance our war fighting capability. In addition, we see such electronic technologies as Very High Speed Integrated Circuits (VHSIC) and solid state active aperture radar modules having the potential of appreciably improving our current capabilities for both performance and support.

The United States strategy for dealing with the Soviet military challenge is critically dependent on the effective exploitation of the broad based U.S. technology. During the past year, the Defense Science Board conducted a Summer Study on the Technology Base and made recommendations aimed at improving the responsiveness of the Technology Base to national security needs. Additionally, other initiatives were begun this past year for improving the Service Laboratories, increase the university involvement and maintain a viable, highly trained scientific workforce. I can assure you the Air Force is working very closely with the Office of the Secretary of Defense and other Services to make sure that we are getting the most out of our Technology Base dollar and people resources.

EFFECTIVE MANAGEMENT

Mr. Chairman, I would like to conclude with a discussion of the complementary aspect of increased defense spending—namely, the need to get the most out of every defense dollar. To get the most out of what we spend, we must not only strive to maximize efficiency and reduce waste but also to invest wisely for the future. In that regard, we must never lose sight of the need for a healthy and productive technology base as indicated above . . . small investments today can save us significant costs tomorrow.

Another challenging responsibility of the Air Force is to prepare and implement policies which provide for effective resource management of current and planned weapon system programs included in the budget. In response to the initiatives of the Congress, we are decentralizing program management responsibility, implementing new management policies, and stressing energy conservation.

In accordance with overall Department of Defense guidance, the Air Force is now operating under a policy of "controlled decentralization". This gives the Air Force flexibility in developing specific policies to meet unique requirements, as well as allowing decisions to be made at the lowest level at which a total view of a given issue exists. Through controlled decentralization, milestone decisions on specific programs have been allocated to the Air Force System Acquisition Review Council, which I chair, and the Air Force major acquisition commands. In response to Congressional direction, we are also currently revising program reporting thresholds for all responsible decision levels.

The key management initiatives being implemented by the Air Force are multiyear procurement, economic order quantities, increased contract competition, incentives to improve reliability and support and policies to eliminate fraud, waste and abuse. The overall effect of these policies is to stabilize and improve our industrial base for defense programs while achieving economies for the Air Force.

We are making a concerted effort to increase the level of competition achieved in our contract awards. Under the aegis of the Defense Acquisition Reforms, actions are being taken to remove impediments to competition, where possible.

Over the last decade, our experience in fielding modern weapon systems has been one of persistent growth in weapon system support costs. In a concerted effort to reduce weapon system costs and control life cycle costs, we have prepared a product performance guide of potential incentives that can be used on appropriate acquisition programs.

With respect to fraud, waste and abuse, the Air Force has initiated several programs directed at recognizing, reporting, and eliminating these problems, especially as they relate to Air Force acquisition programs.

Mr. Chairman, I can assure you that these management initiatives have my personal attention and commitment. In today's environment of economic constraints, it is not enought to emphasize just the need for increased support of defense but also to commit to getting the most out of that support once it is given. There is no room for waste and inefficiency.

In conclusion, I would like to point out that the program represented by the Air Force's FY 83 budget request was constructed with considerable deliberation regarding required military capability, program priorities, and available resources. In order to take advantage of economic savings available on some programs, others had to be eliminated.

These hard decisions which have reduced or eliminated other programs should not be viewed as a reduction in our military requirement for these capabilities. Those decisions were tough, but so are the times. What we finally decided on are the absolute essentials to meet the Soviet challenge. There is no fat. With each succeeding year that we delay our response the challenge that confronts us becomes that much more formidable. There is now no time to delay. The time to act is now. We must continue to sustain full support for restoring our nation's military forces. The President's program is adequate to do so, but it will not do it overnight. It will take time and your dedicated, unequivocal support. We solicit that continued support.●

BUDGET CUTS IN CHILDREN'S PROGRAM

● Mr. METZENBAUM. Mr. President, over the last two decades Congress has enacted a variety of programs to promote the welfare of this Nation's children—programs to attack hunger, disease, and poverty. The administration's fiscal year 1983 budget asks Congress to greatly reduce its commitment to these objectives. This is simply unacceptable.

Children comprise the largest single group of Americans who can, by any standards, be described as "truly needy." One in five children is born poor. But in this budget, the children are the truly forgotten victims of heavyhanded slashes in education, nutrition, health care, and basic social services. Programs such as adoption assistance, child abuse prevention, and juvenile justice programs will be cut, some by as much as 100 percent.

The title I program has, for example, provided to the States for the past 17 years, funds to furnish special education services to disadvantaged children. These programs demonstrably work—and they serve 5.4 million children in 68 percent of our public schools. Title I funding was $3.1 billion in fiscal year 1981. For fiscal year 1983, the administration's proposed title I budget drops to $1.9 billion—a 39-percent cut. This, despite the fact that even this administration's Secretary of Education recently pronounced the program a rousing success.

But title I is by no means the only endangered children's program.

Educational aid for the Nation's 4.1 million handicapped children, is slated in fiscal year 1983 to be lumped into a block grant, and reduced by $196 million—a 19-percent cut.

Head Start, a program the President has promised to protect, will receive level funding, which amounts in fact to a cut, since no adjustment has been made for inflation. In addition, the Head Start program will be badly hurt by reductions in the essential support services provided through the child nutrition program, CETA, and medicaid.

In the area of nutrition, at a time when 3 million children have already lost their school lunches, we have from the administration a budget proposal 20 percent below the fiscal year 1981 level—and again, that does not take inflation into account.

Aid to families with dependent children may not be the most politically popular of Federal programs, but the fact remains that children make up fully two-thirds of all AFDC beneficiaries. AFDC under the proposed fiscal year 1983 budget will be cut by 28 percent.

The food stamp program has also been the object of much criticism. But in weeding out the abuses of the pro-

gram, we cannot afford to forget the nearly 12 million children who stand to suffer if the administration's large new cuts are adopted.

The list of proposed cuts goes on:

The WIC program for mothers and infants;

Three million children eliminated from immunization programs against polio, rubella, mumps, diphtheria, and tetanus;

The medicaid program, in which children make up 45 percent of the eligible population;

Research on genetic diseases, hemophilia, sudden infant death syndrome;

Lead-based poisoning prevention; and

The runaway youth program.

The children's defense fund estimates that these cuts would reduce our commitment to providing nutrition, health, education, and welfare programs serving children by $8 billion. This on top of the $10 billion cut Congress has already approved for the current year.

States are already having troubles coping with last year's program cuts. Virginia, for example, is proposing to terminate services to blind and disabled children under the age of 18. Six States have eliminated medicaid benefits to children living at home with both parents. A recent study by the Center for the Study of Social Policy concludes that the new cuts, if enacted, would force most States to further reduce services. The study finds that in 33 States children of working-poor families would become ineligible for medicaid assistance. Certainly the President does not intend that children should "Vote with their feet."

I do not believe that the budget process should jeopardize the quality or availability of programs serving the nutrition, health, or welfare of this Nation's children. As a member of the Senate Budget Committee, I will offer to work in each function to preserve this Government's longstanding commitment to the welfare of our children. If necessary, I will also offer amendments on the floor.

I am committed to the principle that the shape of our country tomorrow will depend on the investments we make today in our children—the Nation's most precious resource.

I ask that a table of budget cuts in children's programs and three newspaper articles be printed in the RECORD.

The material follows:

CHILDREN'S PROGRAMS

	Fiscal year 1982			Fiscal year 1983 proposed level	Percent cut from fiscal year 1982–83	Percent cut since fiscal year 1981
	Current policy [1]	Funding level	Proposed level			
Nutrition:						
School lunch	$2,738.5	$2,045.5	$2,045.4	$2,220.9	+8.6	−18.9
School breakfast	413.2	335.0	335.0			
Child care food	391.0	276.9	276.9			
New block grant	804.2	611.9	611.9	448.0	−20.2	−39.3
Child care equipment	15.0	0.0	0.0	0.0	0.0	−100.0
Summer food	132.1	61.1	61.1	0.0	−100.0	−100.0
Nutrition information	16.6	5.0	5.0	0.0	−100.0	−100.0
Supplemental food (WIC) [2]	1,028.5	934.1	934.1	652.5	−30.1	−36.6
Maternal and child health block grant (excludes WIC transfer)	494.6	347.5	347.5	347.5	0.0	−29.7
Education:						
Handicapped education	1,201.5	1,042.1	783.5	845.7	−18.8	−29.6
Compensatory education	3,961.0	2,886.0	2,474.4	1,942.0	−32.7	−51.0
Child care and child welfare:						
Head Start	904.0	911.7	911.7	912.0	0.0	+0.9
Runaway youth	11.0	10.5	10.5	6.6	−37.2	−39.9
Juvenile delinquency prevention	116.4	70.0	70.0	0.0	−100.0	−100.0
Child abuse State grants	7.4	6.7	6.7	4.6	−31.3	−37.8
Foster care	346.0	321.6	321.6			
Adoption assistance	10.0	10.0	10.0			
Child welfare services	177.0	156.3	156.3			
Child welfare training	5.6	3.8	3.8			
New block grant	538.6	491.7	491.7	380.1	−22.7	−29.4

[1] The funding needed during fiscal year 1982 to provide the same services as were funded by the fiscal year 1981 appropriations in effect at the time President Reagan took office.
[2] WIC is to be combined with the existing maternal and child health block grant under the budget proposal.

[From the Washington Post, Feb. 16, 1982]

CHILDREN BIG LOSERS UNDER REAGAN SOCIAL POLICY, GROUP SAYS

(By Herbert H. Denton)

The Reagan administration is demanding "more sacrifice from children than from any other group in American society" with its purposed cuts in welfare, education, nutrition and other programs, the head of the Washington-based Children's Defense Fund charged yesterday.

President Marian Wright Edelman said an analysis of the administration's budget proposals indicates that more than 750,000 pregnant women would become ineligible for a federally supported prenatal nutrition program, 100,000 families would no longer get day-care services, and more than half of the 5.8 million pupils in compensatory education programs would be dropped if the budget cuts are approved.

The CDF estimated that President Reagan's proposed fiscal 1983 budget would cut $8 billion from the $49.1 billion in federal aid for welfare, health, nutrition and education programs that benefit children. These spending reductions would be in addition to $10 billion in fiscal 1982 cuts in these programs, the CFD estimated.

Edelman said Reagan has "preyed on the fears and resentments of those Americans who want to believe that most welfare recipients cheat—they don't—and implied that if we just end fraud and abuse in these programs, we will solve our economic problems. What he has not told the American public is that 70 percent of the welfare 'cheats' he is ridding us of are children."

The 216-page analysis of Reagan's fiscal 1983 budget that the CDF released yesterday provides one of the first comprehensive efforts to go through its fine print and calculate the cost of the cuts to individuals.

At a time when the debate in Washington over the new budget is largely focused on the size of the deficit, the Children's Defense Fund report highlights spending reductions that will have the effect of:

Reducing the number of meals and snacks served in day-care centers. Before the cuts, they served three meals and two snacks daily. Now there are funds for two meals and one snack a day.

Ending the Summer Feeding Program for children by the summer of 1983. About 1 million poor children are expected to get meals in this program in the summer of 1982.

Eliminating food stamp and Medicaid benefits for upwards of a million people because of cuts and new eligibility requirements.

Cutting from $3,600 to $2,000 a year the federal assistance low-income families get for housing.

The working poor have been among those hit hardest by budget cuts already approved, Edelman said, and this is likely to continue if President Reagan's new cuts are approved.

The case of Sharon Haller, a rural Ohio woman with three children who quit her job driving a school bus rather than lose benefits, is one of several examples the Children's Defense Fund report cites. Haller quit her job after determining that under the new Reagan welfare policies she would gain only $1 a month in welfare benefits by continuing to work but lose $9 a month in food stamps and the Medicaid card entitling her and her children to free medical care.

The report also attempted to trace the widely varying methods to which states have resorted to absorb the costs of cuts approved last summer. Six states, Washington, Oregon, Missouri, Kentucky, Iowa and Utah, have eliminated Medicaid benefits for children living at home with both parents.

Virginia is proposing to stop coverage completely for blind and disabled children under 18. South Carolina is proposing limiting the number of hospital days paid by Medicaid to 10; Tennessee is proposing that

they be limited to 14 days; Maryland has a 20-day limit.

The report found similar disincentives to work in the changes the administration is making in the food stamp program. A working family that earns $5,000 a year will get from $300 to $400 a year less in stamps than the family that receives $5,000 a year from welfare or unemployment compensation. This is because a working family's benefits will be tied to its gross wages under the changes and no consideration will be given to the fact that a portion of that income is withheld as taxes or consumed by work-related costs.

In combing through the fine print of the budget, CDF found that the administration in cutting various programs had made in one place or another these assumptions: that the poor should pay 35 percent of their income for food, 30 percent for housing and 25 percent for home energy. The fund noted that these costs alone add up to 90 percent of the poor family's income.

The CDF estimates that 150,000 families will no longer be eligible for federally aided day care because of cuts already made and that another 100,000 will be cut from the program next year if Reagan's new budget is approved.

According to the report, states are handling these reductions in widely differing ways. In Washington state, working families with incomes that are 38 percent above the state's median are no longer eligible for day care. Pennsylvania families can earn up to 90 percent of that state's median

In Massachusetts, the state Department of Social Services eliminated slots for one-third of the preschool-age children in day-care programs and replaced them with slots for school-age children. In Albany, N.Y., parents earning $8,000 a year must now pay $800 annually for day care.

Edelman proposed as alternatives to the cuts Reagan is proposing number of reductions in spending and tax breaks, including the oil depreciation allowance, various agricultural subsidies and a wide array of military programs.

She noted that the 1983 budget contains an $800,000 increase in residential expenses for the White House.

"While we want President and Mrs. Reagan to live comfortably, we would prefer to use the proposed annual increase toward replacing 40 percent of the child abuse prevention services which the president proposes to cut," she said.

In a section of the report entitled "Bombs Over Babies," Edelman has these other suggestions:

That the Defense Department cease sending routine, non-priority messages by teletype, which the General Accounting Office has estimated could save $20 million a year. These funds could be used to restore cuts of about $23.9 million in programs for handicapped children, she said.

That the taxpayer subsidy of $12.06 for every meal served in Secretary of Defense Caspar W. Weinberger's private dining room be eliminated and that the secretary and his guests be required to pay the full cost of the food they consume. Each subsidized lunch served in Weinberger's dining room, she said, costs the taxpayers about the same as it does to serve 40 low-income children a morning snack of orange juice and crackers.

That the program of providing personal servants to 300 senior officers at the Pentagon be ended and the money be used to restore funds for 160 homemaking aides in Virginia. Funds for those aides who had served 2,500 aged, blind and disabled persons and families with handicapped children were cut by Reagan last year.

That the Defense Department no longer provide shots and other veterinary services for the pets of military personnel and that the $1.4 million now spent for that program be used to restore funds to immunize 35,000 poor children who were cut from the childhood immunization program last year.

[From the Honolulu (Hawaii) Advertiser, Dec. 7, 1981]

TOO MANY CHILDREN FALL THROUGH OUR "SAFETY NETS"

(By Ronald B. Taylor)

A little girl, abandoned by her parents, is locked away in a state hospital because county officials failed to find a foster home for her.

A teen-ager, once a ward of the juvenile court with a long record of delinquent behavior, is serving a life sentence in prison for murder.

A crippled boy, labeled mentally retarded, is confined in private "community care," where he is caged and treated like a dog when he misbehaves. Later, emotionally unstable and grown to manhood, he is warehoused in an underfunded state hospital ward.

These cases are examples, not exaggerations, of a hidden population of children removed from their natural homes who are in jeopardy. No matter what the cause of dislocation, no matter how reasoned the process, these children are as likely to be harmed as helped. Foster care in the United States is seriously flawed; the juvenile justice system breeds criminal adults; the needs of children who are handicapped or emotionally disturbed are too often neglected.

In theory, this country is committed to helping children in need. We have created the legal structures, appropriated large sums of money and assigned experts to carry out this work. And, having consigned these children to the supervision of juvenile court, it is a case of out of sight, out of mind. Occasionally, reports of scandals and abuses surface, giving us horrifying glimpses of the system at work.

Even before Proposition 13 in California and then President Reagan's attempts to "zero out" programs that directly affect 700,000 homeless children, there was an uneasy awareness that something was basically wrong, that the entire system was failing children in need. But why? The answers can be found in our national attitudes.

We are a nation founded on conservative socio-economic principles that place little value on unproductive individuals. We say that we love children, but we begrudge the expenditure of public funds for economic and social services that could bring some stability to their lives. We accept our president's view that only the "truly needy" should have access to the taxpayers' largess. The unworthy must be screened out, and aid to the qualified must be closely supervised to insure against misuse. In this process, bureaucrats become regulators and "safety nets" become nothing more than over-costly webs spun by public officials to catch chiselers and sinners.

But the system is crazy. We've decided that we cannot afford to provide abandoned, delinquent and handicapped children with a nurturing home environment, backed by the kinds of services that natural or adoptive parents need to stabilize a child's life, yet we spend far more placing them in institutions.

Angered by the high cost of supporting welfare, we encourage the president's attempts to eliminate budgets for programs that provide health care for pregnant women and infants, delinquency prevention, food stamps for working mothers and help for disintegrating families.

Certainly the cost of administering these huge Band-Aid programs can and should be cut. But, rather than using more of the shrinking budgets to police recipients of aid, wouldn't everyone be better served if the bureaucracy were overhauled instead? Can't we see that wholesale budget-cutting is more costly in the long run, that as a result more children will be born handicapped, more will grow up delinquent and unproductive in this competitive society?

We need to recognize that children, especially those who are disabled or neglected or abused, are a natural part of our society. We must learn to keep them with us where they can be nurtured, not shoved out of sight by the rich and powerful fighting for advantage at the public trough.

We who vote and pay taxes must use our leverage on behalf of the children. We must remind the Reagan administration and Congress that they represent the nation's children, too, and are obligated to establish a national children's policy, one that centers on support for the nurturing family, for that is where children have the best chance to thrive.

[From the New York Times, Feb. 23, 1981]

'BYE, SCHOOL LUNCHES FOR THE "TRULY NEEDY"

(By Marshall L. Matz)

WASHINGTON.—While seeking to cut $1.575 billion from the $3.918 billion child-nutrition budget in fiscal 1982, the Reagan Administration has listed school lunches for the "truly needy" as one of seven programs that will not be affected by the drive to reduce Federal spending. On the contrary, poor children will be affected, for millions who qualify for a free or reduced-price lunch under the nutrition program stand to be lopped from it.

Granting that the Administration is proceeding in good faith, it appears that its analysis of the lunch program is being limited to only one dimension: direct Federal support to the States for free lunches.

Students qualifying for a reduced-price lunch are not being considered "truly needy," and the Federal subsidy for such lunches would be slashed substantially. Though some six million middle-class students—those whose family of four earns more than $15,630 a year—are likely to drop out of the program because of dramatic increases in lunch prices, the Administration apparently considers this irrelevant to the availability of the program to the poor. However, as participation drops, many schools, unable to finance the programs or unwilling to continue them because they no longer serve all the students, will end them, and they will be lost to the entire community, including the poor. Overall, of the 27 million in the program, conservatively nine million can be expected to drop out or be forced out.

The Agriculture Department's commodity-support program constitutes a major part of the proposed cutback in general assistance. Commodity support, unlike cash assistance, cannot be divided between free and paid meals. The commodities (such as potatoes, peaches, ground beef) are shipped in bulk to the states and then to schools; it is

not possible for cooks to use different amounts of such commodities in preparing free meals and paid meals. Thus, the commodity cut will be felt across the board, affecting poor children receiving free lunches along with everyone else.

Not considered in the President's claim that the $1.575 billion cut will not hurt the "truly needy" is the effect on lunches of the administration's proposal to deduct the cost of school meals from a person's food-stamp allotment. This request, labeled a "food-stamp cut," seems to be viewed as irrelevant to the lunch program. Other assistance called "nonessential" includes nutrition education and training, as well as equipment assistance to schools, both of which benefit the poor.

Under current law, the general subsidy for each lunch served in the 1981-82 school year (fiscal 1982) will be 39.5 cents per student per meal in cash and commodities. If the administration's proposals are enacted, the 39.5 cent subsidy will be completely eliminated and the cost of a lunch can be expected to approximately double. It is this cut that represents the bulk of the child-nutrition savings. It is also this modest subsidy to middle-class students that has prevented the lunchroom from becoming economically and, in some cases, racially segregated.

The school-lunch program operates like a business. It receives income from four sources—Federal, state, and local governments, and the students—and if income does not equal expenses, local programs will close. Unlike food stamps or aid to families with dependent children, the lunch program does not involve direct payment to individuals. All income, from whatever sources, goes into the same school-lunch cash register. It is not possible to withdraw $1.575 billion from the child-nutrition budget and reasonably expect that the poor will not be affected.

The Federal effort to eliminate child malnutrition dates back at least to the creation, in 1946, of the national school-lunch program. Since then, the Federal commitment to child nutrition has grown steadily, along with the evidence of its success. When a team of medical doctors returned in the late 1970's to the poor rural counties they had visited 10 years earlier to determine if any progress had been made in combating hunger, they concluded, and reported to Congress: "Our first and overwhelming impression is that there are far fewer grossly malnourished in this country today than there were 10 years ago." Their report attributed the progress directly to Federal nutrition programs.

America's nutrition programs have been amazingly successful, perhaps more than any other social-policy endeavor. The "war on hunger," originally declared by President Richard M. Nixon in 1969, has been an unsung bipartisan success story that has dramatically reduced malnutrition and increased human productivity. It is incumbent on those who advocate cutting back our nutrition programs to show that such changes will not reverse the progress we have made.●

PAT ROBERTSON AND HIS "PERSPECTIVE"

● Mr. HELMS. Mr. President, my good friend Pat Robertson is an American who is loved and respected by millions of his fellow citizens. And, as Senators know, he has a close family link to the U.S. Senate. Pat's distinguished father was the able A. Willis Robertson of Virginia who served in this Senate from 1946 to 1967 and was chairman of the Committee on Banking and Commerce; he previously had served seven terms in the U.S. House of Representatives.

Pat Robertson is known nationwide as host of television program, "The 700 Club," a program seen currently on 150 TV affiliates and 2,900 local cable systems serving more than 15 million people. Pat is also the president and founder of the Christian Broadcasting Network, chancellor and founder of CBN University, president and founder of First Colonial Corp., the Continental Satellite Corp., and the Continental Broadcasting Network. His contribution to Christian television ministry is, in a word, enormous. He is widely regarded as the pioneer in Christian broadcasting.

Mr. President, Pat Robertson is well qualified for the position of influence he now occupies. He holds degrees from Washington and Lee University, the Yale University Law School, and New York Theological Seminary. Most important, he is a dedicated servant of Jesus Christ.

In addition to his broadcasting activities he also publishes a newsletter entitled "Pat Robertson's Perspective." Its circulation is approximately 400,000. It is chock-full of timely information and insightful commentary.

Mr. President, I call particular attention to the February 1982 edition of Pat Robertson's Perspective. We in the United States would do well to heed the warnings from this perceptive son of a Senator. To this end, I ask that the text of Pat Robertson's Perspective for February be printed in the RECORD at the conclusion of my remarks.

The report follows:

PAT ROBERTSON'S PERSPECTIVE, FEBRUARY 1982

The brutal Soviet invasion of Afghanistan took place on Christmas Eve in 1979. Two years later during the season meant to celebrate "peace on earth, good will toward men," the Polish Communist authorities under Russian direction moved to suppress the free labor movement in Poland.

President Carter responded to the Afghan crisis with a grain embargo. President Reagan responded to the Polish crisis with a series of sanctions aimed at both the Polish government and the Russians. The Soviet controlled press responded with angry attacks at the United States.

The big question for 1982—what comes next?

Certain facts are clear. Poland is bankrupt. It has already lost 20 percent of its gross national product. Inflation is rampant. The Polish currency—the zloty—is becoming worthless. Peasants refuse to sell food to the state because the paper money buys nothing. Widespread unrest, slowdowns, or strikes could paralyze the country. Western bankers holding some $27 billion in Polish debt actually welcome martial law as a means of recovering their money. As the situation now stands, government banking officials may force banks to write off a substantial portion of their Polish debt.

If Western banks loan more of their depositor's funds to Poland, they will be supporting the communist regime. If they refuse to lend more, their present loans may be lost and Poland will become totally dependent on the Soviet Union for survival.

This in turn may further drain the Soviet system which already is in a serious condition due to a disastrous harvest in 1981. Russian herds are being killed for lack of grain. Reports indicate food shortages in the Soviet Union plus widespread sale of Soviet gold to pay for grain imports.

Coupled with deteriorating economic conditions in Poland and the Soviet Union are reports of economic crises in Rumania and Yugoslavia, and serious deterioration in Hungary. Along with those crises is further danger of default on multi-billion dollar western loans to communist countries.

Set over against its deteriorating domestic economy is the growingly ominous Soviet military buildup. By mid-summer of this year the Soviets for the first time will have in place a complete first strike counterforce capability. This means that without warning the Soviets would be able to eliminate all or essentially all of the land based intercontinental ballistic missiles of the United States. Then with a vast second strike capacity still ready, the Soviets could threaten every major United States city with annihilation. They would know that our sea based missiles could reach their cities, but would not have the accuracy to eliminate their land based second strike capacity. An American president would then have the option of surrendering after 20 million casualties or provoking a Soviet second strike that would leave 150 million Americans dead.

This war of ultimate annihilation will probably never be fought, but the existence of such a serious "window of vulnerability" from this summer on means that United States resolve can be progressively diminished while the Soviets grow more aggressive.

When an analysis is made of conventional forces, the Soviet Union and its allies must face not only the United States, but the NATO allies to the West, and China to the East. Although the Soviets could make an aggressive move with conventional military forces against Western Europe or China, the price would be very costly and the outcome would be much in doubt.

Turning to the rich gulf oil states would require no such risk. There are 25 divisions in the Transcaucasus region of the Soviet Union. Of these forces the Soviets are using 90,000 men in Afghanistan. The Soviets could send two airborne divisions into Iran in a week's time and could quickly reinforce them with armor from Afghanistan. Militarily the United States and its allies are not now ready to prevent such a strategic thrust.

Ethiopia and South Yemen are Communist states. Despite rebel fighting Afghanistan is controlled by the Soviets. Syria is pro-Russian. Libya tilts toward Moscow. A recent report in Time magazine indicated that Ayatollah Khomeini has invited the Soviet KGB to train and direct Iranian internal security.

Of the remaining key Middle East states, Jordan and Egypt are pro-western with some military capability. Pakistan has a sizeable army, with antiquated air power and armor. Saudi Arabia, Kuwait, the Emirates, and the other small oil producing

states have virtually no military strength at all.

Iraq is officially non-aligned and seemed strong militarily until its war with Iran and its weakness when the Israeli air strike destroyed its nuclear reactor.

In short, there is no combination of Arab countries in the Middle East capable of preventing the Soviet Union and its allies from seizing the region.

To prevent a runaway Soviet move against the Middle East oil states, the United States needs massive deployment of men and war material into the region. Yet despite their vulnerability to Soviet aggression, none of the major Arab states are willing to accept major U.S. bases on their territory.

This is why Israel, with the strongest military force in the region, is so vital to United States security. Israel is not only pro-western, but the Israeli people share with us centuries of religion, civilization, culture, and freedom. Israel needs the United States, but with the growing Soviet menace in the Middle East, the United States needs Israel more.

Haifa will become the ideal port of supply for the United States 6th Fleet, and undoubtedly there will be United States air bases in the Negev. For this reason, the dispute over the annexation of the Golan Heights will soon pass and the United States and Israel may enter a period of the closest cooperation they have known.

Sooner or later in the struggle against the Soviet Union someone in government—hopefully it will be the President—must demand that our free enterprise system stop selling money, credit, food, factories, and technology to those who have sworn to destroy us.

Our President has told us that we must cut out social programs and face $100 billion deficits so that government can spend $1.5 trillion over the next five years to defend us against the Soviet Union. According to the Washington Post the total cost may well run an additional $750 billion.

Even while our people are being asked for this incredible sacrifice to defend our land, another arm of government is readying authorization and financial credits to enable International Harvester Corporation to build a $300 million farm combine plant capable of making armored vehicles inside the Soviet Union. And yet another arm of our government is authorizing enormous grain sales to the Soviets so that the Soviet government will be spared the embarrassment and civil disobedience that another miserable grain harvest would cause.

And while all of this takes place the West Germans go forward with plans to construct an enormous gas pipeline from the Soviet Union to Western Europe and the French enter into a long range multi-billion dollar contract to purchase Soviet gas from the pipeline.

And while all of this is taking place Austrian banks are noting that they have loaned 170 percent of the total capital and surplus of the entire Austrian banking system to east bloc countries with repressive regimes, notably Poland, Czechoslovakia, and Hungary.

And at the same time Western banks are looking for ways to restructure some $89 billion in loans to Russia and its satellites, while U.S. manufacturers are looking to the private banking system or the Export Import Bank for more credit to finance more trade with Russia and her allies.

And while merchants and bankers rub their hands at their profits—or perhaps contemplate their losses—the American taxpayer is being asked to pay for a standing army in Europe to "protect Europe from Soviet aggression."

And while this is going on, the Soviets invade Afghanistan, use poison gas in Southeast Asia, repress freedom in Poland, support international terrorism, send troops and supplies to subvert governments in Central America, persecute Christians and Jews, violate Human Rights contrary to the Helsinki Accords, vilify the United States everywhere, and carry on unremitting espionage against us.

Only a nation of fools would shelter those of its own citizens and its allies which strengthen its enemies. How long must this madness continue before we call a halt?

We could stop it very quickly. The comptroller of the currency could immediately declare all loans to Poland and other near bankrupt Soviet satellites in default. No further loans or extensions of credit would be permitted by United States financial institutions to the Soviet Union or its allies.

The President could embargo all sales of any nature from the United States to the Soviet Union and its allies. There would be no new equipment, no technical know-how, and no spare parts.

Then we could inform our European allies that all of our forces in Europe would be withdrawn from defensive positions in Europe. If they continue to build up the Soviet bloc, they can also defend against it as well.

Then when we sit down to bargain with the Soviets, we will tell them unmistakably that all negotiations involve linkage. Arms reduction, trade, and credit would all be linked to Soviet policies on terrorism, repression, human rights violations, subversion. The Soviets respect—in fact feel comfortable with—firm resolve and clear-cut policies. It may be too late to try, but certainly our past policies of appeasement and unilateral disarmament have led us to the brink of disaster.

In summary, the worsening economic condition within the Iron Curtain countries aggravated by United States sanctions and tough talk will undoubtedly cause the Soviet Union to improve its position in the region where the most can be gained at the least cost—the Middle East. Only Israel has the infrastructure and political orientation to be the leading strategic partner of the United States in the region. This will make Israel an obvious and ultimate battleground in the Middle East.

Sometime this fall we should expect a clear and dramatic move by the Soviets to extend their grip on the Middle East.

The onrush of events toward the end of the year may see the world in flames. Remember that these events are clearly foretold by the prophet Ezekiel. They are not intended to frighten Christians, but to encourage them. This series of events will leave Israel intact and Russia destroyed as a major power. It can be a time when God's people begin to shine in a world of darkness and confusion.

The marketplace is filled with theories on the outcome of the economy this year and beyond. Most analysts expect the customary post-recession rebound to begin by spring of 1982. This time something quite different is happening. Here's why.

The economies of nations follow a clearly discernible cycle. There is a beginning, a slow expansion which then accelerates rapidly, a peak, a fall off, a plateau, then a sharp contraction. The reason for this economic life cycle seems to center around the availability of funds, then the lack of funds; the lack of industrial capacity, then the oversupply of capacity; the absence of debt, then the accumulation of too much debt.

At the peak of the cycle debt has grown enormously, borrowers no longer have the capacity to borrow, and lenders lack the capacity to lend. Because of a shortage of funds people stop buying, prices begin to fall, industrial capacity begins to be idled, businesses stop investing and expanding, workers are laid off, less money is spent. The cycle feeds on itself as prices drop, debtors are unable to pay their debts, businesses fail, etc.

After the washout of debt and excess capacity, the process begins again. Money is cheap, goods and labor are cheap, savings begin to rise, banks and businesses begin to rebuild their money positions. Demand for housing, and furniture, and transportation begins to grow, so business begins to invest in order to meet the rising demand.

Then the stage is set for a rising and prosperous boom until about fifty years later when once again a surfeit of borrowing and the lack of credit makes further growth impossible. Then like a tired old man that economic cycle falters and dies and another takes its place.

In 1982 the economy of the world has reached the point where further growth of the nature that we have known since 1945 is virtually impossible. A contraction (depression) is beginning. The key indicator is the level of private and public debt. Since 1979 the debtors have been just about borrowed out and the lenders have been just about loaned out.

Consider this. In 1929 the loan to deposit ratio of lending institutions in the United States reached 80% during the summer and closed the year at 78%. By 1945 at the close of World War II, the loan to deposit ratio had fallen to 19%. This meant that both banks and borrowers were bursting with lending and borrowing power.

Between 1945 and 1970 the gross national product of the United States increased 11 times and commercial bank loans increased an amazing 35 times.

By 1980 the loan to deposit ratio of commercial banks had exceeded the 80% level of 1929. The banks have to keep some reserves, so in 1982 there is little lending power left. If portfolio losses from low interest securities are taken into account; if the billions of dollars in questionable loans to third world and communist countries were written off, and if we take into account the skyrocketing business bankruptcies, there would be little or no lending capacity left in the system.

A key indicator of the extreme illiquidity of the banking system is shown in the demand deposit turnover rate of the New York banks. This so-called "velocity" has increased from about 25 times annually in 1945 to 170 times annually in 1970 to 600 in 1979 to about 1,200 in 1981. There is a practical physical limit in the number of times money can change hands in a single day and that limit has about been reached.

In the late sixties and early seventies the Federal Reserve Board had the ability on its own motion to raise and lower interest rates and to regulate the money supply. By 1982 the pressure of the marketplace is such that interest rates are acting independently of Fed action. During 1981 the Fed made a staggering $2 trillion in transactions in the credit markets, yet often the markets moved in a contrary fashion to what the Fed was hoping to achieve.

As the crunch gets progressively tighter, stocks and bonds are being liquidated. Jewels, gold, silver, and collectibles are being liquidated. Real estate has been dumped on the market with no buyers. More and more discounts will be in evidence as merchants try to clear overstocked goods to pay off loans. Plants will shut down, and workers will be laid off.

What all this means is that the economy does not have the strength for a sustained recovery. At best we will have stagflation—a no-growth situation with high prices—or worse there will be a very bad crash. A recovery without a solution to the debt problem is out of the question.

The traditional way out of debt in industrial societies has been a depression. The anguish of the 1929-1933 period was so intense that the government would never be allowed to permit such pain again. However, even the government does not have the wealth to bail out all of the weak businesses, the farmers, the financial institutions, and personal debtors who are going under financially. Nor can the government do much about the overall multi-trillion dollar debt of our society. Consequently, we will see a painful transition from inflation to deflation this year and beyond. Undoubtedly there will be very high interest rates later this year. Then a sharp drop. The fall of 1982 will see a time of panic or near panic in the financial markets.

We may see urban violence as unemployment hits 9% or more. In the preelection 1980 issues of the Perspective I warned that Ronald Reagan and the Republican party would be blamed for the economic debacle which they were inheriting. Undoubtedly 1982 will be a political disaster for Republican congressional candidates. When the economy worsens—either by depression or hyperinflation in 1983 and 1984—the President will be held responsible. In the April 1980 Perspective I wrote these words which are being fulfilled in 1982:

"King Louis XIV of France said, 'Apres moi, le deluge.'

"The deluge will come between 1980 and 1984. A new president during that time will be blamed for problems that he did not cause. Corrective policies may appear to exacerbate the problems. Appropriate fiscal restraint may bring on temporary problems which will cause the public to blame the cure rather than the sickness."

In practical terms what does all this mean? Absent a war, it means the following.

Many more businesses will go bankrupt during 1982; there will be more people out of work; as many as 900 savings and loans will see their stated capital fall below the 4 percent level needed to continue in business; the commercial paper market may be badly hurt; money market funds not specializing in government securities may not have enough money to cover withdrawals; gold, silver, antiques, art works, and precious gems will continue to fall in price; the price of housing will continue to fall; and the stock and bond markets will be confused and depressed.

The Christian should follow this plan. Be faithful in your financial stewardship. Funds placed in God's kingdom will prosper regardless of the business cycle. Use every means possible to get out of debt. If you have a good home with a low interest mortgage, enjoy it. Unless you live in a boom area like Texas or the Rocky Mountain area, you should refrain from buying a house now. Rent instead until the situation clears.

Do what you can to hold on to your job. As excellent investment can be made in yourself. Either learn more about the job you now do so that you are more valuable where you are, or learn alternate skills that are valuable elsewhere.

Unless you have special information available to you, it would be most prudent to move funds out of stocks, bonds, savings and loans, and uninsured money market funds and either directly into short term government securities or into one of the several money market funds that invest exclusively in government backed securities.

It is possible to buy treasury bills directly from the Federal Reserve Bank near you. It you buy them through a bank or brokerage, they will merely be a bookkeeping entry in the bank or brokerage firm's name. If that institution were to go under, you might have a difficult time recovering your funds.

Absent war or total cataclysm, a time will come when inflation has diminished. At that time those who have preserved their capital will find before them some rather remarkable opportunities for service and profit. Keep in mind the brief duration of today's crazy prices. Silver only a few years ago sold for 90 cents an ounce. Now we are told that silver is a "bargain" at $8.00 per ounce. Houses that cost $18,000 to build only a few years ago are called "bargains" at $70,000. Diamonds that sold for $1,800 a flawless carat are described as "bargains" at $32,000 per carat. Now is the time to be as skeptical as those from Missouri. What goes up also must come down.

This is not a time of fear. Fear paralyzes, but faith leads to intelligent action. A time must come when a world system based on materialism comes crashing down. That hour is upon us. Jesus Christ said this, "When you see these things come to pass, lift up your heads for your redemption draweth nigh." (Luke 21:28).

The Christian may well ask "what is God doing in 1982 and beyond." I feel a word from the prophet Isaiah sums it up: "The consumption (failing, destruction) decreed shall overflow with righteousness." (Isaiah 10:22 KJV).

The word "consumption" describes fruit that has reached peak ripeness and then begins to rot away. It signifies vulnerability to inner decay and outward aggression. This is the condition of Western civilization. It has peaked and is now decaying. Like an overripe apple it has lost its spiritual bite and firmness. Pockets of rapidly spreading rottenness are readily apparent. It seems unable to stop its own moral and economic decay and therefore is an easy prey to determined aggressors.

Analogies between nations and fruit can only go so far. Fruit cannot reverse consumption but nations can. God also brings destruction on nations or he rescues them from destruction.

In the case of our world God has decreed destruction. The awful grip of communist tyranny is going to be broken—not by other nations, but by God Himself. Not only will "natural" disasters fall upon them, but they will begin to fight and kill one another.

As this struggle takes place, it will destroy the economic and political stability of Western Europe, which in turn will cause devastating economic consequences in the United States.

Yet Isaiah writes that the destruction "shall overflow with righteousness." This means that the troubles to come are not lasting but are intended by God to produce an abundant and lasting spiritual revival in our world. Remember that the symbol of holiness is fire, because fire consumes impurities, but leaves intact what is precious. Even so the flames that will engulf our world will destroy the impure but will strengthen the righteous.

I believe that God will preserve America, but will purge it and purify it. Israel also will come out of the coming troubles purged and purified and one of the great nations of the earth. The Soviet Union will be destroyed as a great power and communism will be a thing of the past. Europe will be in shambles but unfortunately ready for another Hitler. The nations of Asia will continue to prosper economically while experiencing one of the great spiritual revivals of world history.

To those whose hope is in humanistic materialism the future may seem filled with gloom. To the Christian there is only a bright future filled with hope.

Remember, however, Abraham and Lot. Abraham walked with God in the high country. Lot chose to live in Sodom and to do business just like the Sodomites. When God destroyed Sodom, Lot's life was spared but he lost everything else. Abraham, on the other hand, interceded for Sodom but watched its destruction from afar. He lost nothing. Instead he had resources available to help the survivors when Sodom fell.

The man or woman who walks with God in the "high country" need not fear "the consumption decreed."●

THE REAL SOVIET THREAT IN EL SALVADOR—AND BEYOND

● Mr. LAXALT. Mr. President, the present situation in El Salvador has become an issue of increasing concern and importance. If the United States is to meet the problem of closing the "window of vulnerability," all Americans must make themselves aware of the rapid progress of events in America's foreign relations all over the world and, particularly, in South America. For this reason, I request that a recent U.S. News & World Report interview with CIA Director William J. Casey entitled, "The Real Soviet Threat in El Salvador and Beyond," be printed in the RECORD.

The interview follows:

THE REAL SOVIET THREAT IN EL SALVADOR—AND BEYOND

Q. Mr. Casey, there's a great deal of concern that this country might be dragged into a Vietnam-like quagmire in El Salvador. In your view, is that fear warranted?

A. No. I don't think El Savador or what we're likely to do there bears any comparison to Vietnam. In the first place, El Salvador is on our doorstep. And we're not just talking about El Salvador; we're talking about Central America—Costa Rica, Honduras and Guatemala. The insurgency is beamed at all those countries. Furthermore, this is part of a worldwide problem.

Q. Worldwide in what sense?

A. Around the middle of the '70s, the Soviets assessed the impact of Vietnam on American public opinion and decided we probably would be restricted in our ability to respond to low-level insurgency operations. In the last seven years, starting with the dispatch of sophisticated weapons to join up with Cuban troops in Angola, they have developed a very innovative and bril-

liant mix of tactics: Political, diplomatic, destabilization, subversion, terrorists and support of insurgencies. And they have applied this around the world.

Over this past year alone, you've had insurgencies in North Yemen, Chad, Morocco, Kampuchea, El Salvador, Guatemala. You have incipient insurgencies in many African counties. The Soviets work in some concert with Cuba, Libya and North Korea. They work with Angola against Namibia and Zaire; with Ethiopia against Somalia, and with Libya and Ethiopia against the Sudan.

Q. How are the Soviets involved?

A. What happens in these insurgencies is that the Soviets go in and exploit the underlying social and economic discontents, which are plentiful. That gives them a base. They feed it with trained men and with arms. That drives away investment. The insurgents sabotage economic targets, and so economic discontent grows. And as the discontent grows, more people go over to the insurgents' side.

It's almost a no-lose proposition for the Soviets. They can stay in the background. They sell their arms and get up to 20 percent of their hard currency from Libya and other countries that can pay for the arms. It's something we have very great difficulty coping with.

Q. What is Cuba's role in all this?

A. Here's a country of 10 million, with 50,000 people around the world—military and civilian. Besides the Cuban troops in Angola and Ethiopia, there are 12,000 technical trainees in East Germany and Czechoslovakia and 5,000 to 6,000 students in the Soviet Union. They have 50 people here. 60 people there—in Africa, in the Middle East and in Latin America.

They can do this because of the demographics that led them to get rid of 120,000 people in the Mariel sealift. There has been a 50 percent jump in the 15-to-19 age group in the Cuban population. That's quite a latent force that Castro has no work for at home and can use for mischief abroad. He said in a speech just a few months ago that he would like to send 10,000 young Cubans to Siberia to chop down trees for construction projects in Cuba.

Q. Do you have evidence that matérial is being supplied by Cuba to the guerrillas in El Salvador on a significant scale?

A. Oh, yes. Without it the guerrillas wouldn't be able to sustain an insurgency.

Q. And Nicaragua? What part does it play?

A. This whole El Salvador insurgency is run out of Managua by professionals experienced in directing guerrilla wars. You've got to appreciate that Managua has become an international center. There are Cubans, Soviets, Bulgarians, East Germans, North Koreans, North Vietnamese, representatives of the PLO. North Koreans are giving some weapons they manufacture. The PLO provides weapons they've picked up around their part of the world. There are American weapons that the Vietnamese brought in in substantial quantities—mostly small arms that were left behind in Vietnam.

Q. How large are these foreign groups operating in Managua?

A. In the case of the Cubans, 6,000 are in the country, of whom 4,000 are in civil work and maybe 1,800 or 2,000 are in military and security work. The East Germans and Soviets each have somewhere between 50 and 100. The Bulgarians, the North Koreans and the Vietnamese are fewer. They all have their little function: The East Germans work on the security system; Cubans work on the general strategy, and the Soviets work, for the most part, on the large weapons that have come in. The North Koreans and Vietnamese are good at caching arms and digging tunnels and things like that.

Q. Why is the administration apparently so concerned about the arrival in Cuba of crates presumably containing a squadron of MiG-23s—a plane that already is operating there?

A. Well, Cuba has the biggest air force in the hemisphere next to ours. The new planes are just part of a buildup. But I don't know that we are that concerned. Jimmy Carter made it an issue when MiG-23s arrived in Havana, and he didn't do anything about it. I think this President has been rather careful not to make it an issue—although I wouldn't say we're unconcerned.

Q. Does what is happening now in Cuba violate the 1962 Kennedy-Khrushchev agreement ending the missile crisis?

A. Oh, sure it does because the '62 agreement said the Soviets would send no offensive weapons, and it also said there would be no export of revolution from Cuba. The agreement has been violated for 20 years.

Q. So the aircraft coming to Cuba now are attack planes——

A. They're attack airplanes, yes.

Q. Are they nuclear capable?

A. They can be made nuclear capable. There's an export version which is not nuclear capable. We haven't seen these planes yet. They're not out of the crate. The probability is they're the export version, but it just takes a little bit of wiring and a little bit of work and some pilot training to make them nuclear capable.

On the other hand, the Soviets have better ways to hit us with nuclear bombs. It's more likely these planes are for the purpose of building Cuba up militarily, modernizing their Army, probably paying them for their work in Africa—to keep their forces in Angola and Ethiopia. Their Army probably feels happy if it gets modern equipment, and they probably wrangled these planes out of the Soviets.

Q. Could these MiGs be destined ultimately for Nicaragua?

A. We think that Nicaragua is lengthening its runways at three airports for the purpose of being able to take this kind of fighter. It probably hasn't been determined whether the planes will go from Cuba to Nicaragua or whether additional planes will go directly from the Soviet Union.

Q. Is there a point at which the United States says to the Soviet Union and Cuba, "This far and no further"?

A. That's the $64 question. I don't think the American public generally perceives the threat in as serious a light as we may perceive it at this stage. I think we'll come to our senses and face up to it. But you've got a problem not only of American public opinion but of Latin American public opinion. It's the gringo problem: They don't want us down there.

When we go down there, we play into the hands of the Marxists to a degree; we give them a rallying point. The President has made it clear that there is no intention of sending troops there. Exactly what to do to help these countries defend themselves is a very difficult, complex political, diplomatic, military decision. You can't make it without public understanding and public support.

Q. Is there any sign that Latin American opinion is changing and becoming more supportive of the United States?

A. A year ago no Latin American country was greatly concerned about what was happening in El Salvador. Yet when Mexico and France spoke out in support of the El Salvador insurgents several months ago, 12 Latin American countries dissented. That shows growing concern. At the OAS meeting in St. Lucia a couple of months ago, there was a 22-to-3 vote in support of orderly elections in El Salvador. The three dissenters were Nicaragua, Mexico and Grenada. Just two or three weeks ago, Costa Rica, El Salvador and Honduras got together and called upon Venezuela, Colombia and the United States to help protect them against Nicaragua.

Increasingly, the Colombians and the Venezuelans are getting concerned. The Mexicans should be concerned because they could be the next target. I read now that they've got at least the beginnings of a quick-reaction force. So maybe they're coming around. Also, there is dissidence in Nicaragua. A lot of Nicaraguans think that the Sandinistas are betraying the revolution. They resent having the country taken over and run by Cubans.

So we can hope that developments in Central America will breed a reaction. You say "Halt" to all this when you're not saying it alone, when you're not perceived to be behaving in Central America the way the Soviets behave in Poland and when you have enough Latin American participation so that you're helping them instead of doing the whole thing for them.

Q. Concretely, what threat do these developments in Central America pose for the U.S.?

A. Well, just look at what is happening down there. Nicaragua, a country of 2½ million people, has an Army twice the size of El Salvador's, which has twice the population and is fighting for its life. Nicaragua is sitting there with a big Army that's getting bigger, with Soviet tanks and airfields being extended and pilots being prepared for Soviet supersonic planes. When and if that happens—I think it will happen in six months—Nicaragua will have military dominance over the rest of Central America, with a population 7 times theirs.

If Cuba, with 10 million people, and Nicaragua, with 2½ million people, take over the rest of Central America and build up the armies on the scale of their own, you would have a very large army down there on our doorstep. Mexico is sitting there with a military force of about 150,000 today and never thought of having anything more.

Q. Are the persistent reports true that government troops are responsible for most of the massacres of civilians in El Salvador?

A. Nobody knows where all these casualties come from. This is civil war. Sometimes they come from the government, and sometimes they come from the guerrillas. We are satisfied that the government is sensitive to the importance of disciplining its forces and is making a genuine effort to do so. But that's going to be very slow and not entirely satisfactory to our public opinion. El Salvador has a violent society, and the law is kind of slow. A man can't be convicted of murder without a witness under their law. And those who sit in judgment risk their lives because the society is violent. So judges have a tendency to duck the responsibility.

But the widely propagated notion that all the massacres of civilians are perpetrated by government and not by the guerrillas is clearly false. In the final analysis, you have to make up your mind whether you would prefer a Marxist-Leninist dictatorship to a society that is capable of reform.

Q. Turning to Russia: The CIA and the Defense Department recently stressed the

need to limit Soviet access to American scientific and technological research. Why the sudden concern?

A. You need to be concerned about it. We have established a technology-transfer center at the CIA that has taken a very comprehensive look at the whole question of the degree to which American research and development—and Western technology generally—has contributed to the increased accuracy, sophistication, precision, power and countermeasure capability of the Soviet arsenal.

We have determined that the Soviet strategic advances depend on Western technology to a far greater degree than anybody ever dreamed of. It just doesn't make any sense for us to spend additional billions of dollars to protect ourselves against the capabilities that the Soviets have developed largely by viture of having pretty much of a free ride on our R&D. They use every method you can imagine—purchase, legal and illegal; theft; bribery; espionage; scientific exchange; study of trade press, and invoking the Freedom of Informaiton Act—to get to this information

We found that scientific exchange is a big hole. We send scholars or young people to the Soviet Union to study Pushkin poetry; they send a 45-year-old man out of their KGB or defense establishment to exactly the schools and the professors who are working on sensitive technologies

The KGB has developed a large, independent, specialized organization which does nothing but work on getting access to Western science and technology. They've been recruiting about 100 young scientists and engineers a year for the last 15 years. They roam the world looking for technology to pick up. Back in Moscow there are 400 or 500 assessing what they need and where they might get it—doing their targeting and then assessing what they get. It's a very sophisticated and far-flung operation.

Q. Can you give examples of how U.S. research has directly contributed to the development of Soviet military capabilities?

A. Yes. The Soviet ability to MIRV their weapons—to develop multiple, independently targetable warheads for their missiles and to achieve the accuracy of their missiles that threaten the survivability of our fixed-site land-based systems came largely from their hooking on to the technology behind our guidance systems and from the use of high-precision grinding equipment they were able to get from us. I'm not saying they might not have made these advances sometime anyway. But they got them on the cheap and quick.

Q. How can the U.S. counter this Soviet drive to gain access to American technology?

A. This is something which needs to be looked at across the board in terms of our export controls, in terms of the openness of information and in terms of scientific exchanges. I think there probably will be a panel of the National Academy of Sciences that will look carefully at the question of scientific exchanges and determine how far one might go to control damaging leakage. But you're not going to shut these down. We want to preserve an open society. We're not going to alter that. But, at the same time, we are entitled to protect our scientific and technological secrets.

Q. Early in the Reagan administration there was much talk of Soviet involvement in international terrorism. Is there evidence that Russia orchestrates the activities of these terrorist groups?

A. We believe they export them more than orchestrate them. Terrorism has become a great industry. It was always a false issue whether the Soviets directed and controlled world terrorism. World terrorism is made up of a bunch of freebooters, and they're all, more or less, in business for themselves. The Soviets have supplied weapons and trained the Palestinians and other terrorist groups. They have training camps in South Yemen. That was part of their getting influence and edging their way into the Middle East.

But if anybody orchestrates them, it's Libya's Qadhafi. He has made many of them dependent on him. After the '73 war, when the Arab world was in disarray, Qadhafi was looking for leadership. The only thing he had was money—and nothing to spend it on. So he found all these Palestinian organizations wanting to stir things up, and he started to put money in them. And then he started to train them and so on. There are over 25 terrorist and guerrilla training camps in Libya. Training guerrillas and terrorists is the second largest industry there—second only to oil.

When Qadhafi wants to send hit teams out to get his own dissidents or to retaliate for the downing of two of his planes in the Gulf of Sidra by the United States, he uses mostly Libyans, but he'll also go to Palestinian and other terrorist organizations and sign them up to help.

The capitals of terrorism are Tripoli and Beirut. The money comes out of Tripoli, and the infrastructure and the false documents—the headquarters—are in Beirut. It's a big business today. They need money, and Qadhafi provides it.

Q. What is Qadhafi's aim?

A. He's striving for ego satisfaction. He wants to be a big figure in the world. He wants leadership.

Q. Is he a madman?

A. You could say that. When he's confronted, he has to retaliate. He has that kind of ego drive. He has to show that he's as big as anybody else, and if the United States knocks two of his planes out of the air, he's got to do something about it. He talks about it, and then he's under greater pressure to do something about it. He wants to spread his influence across Africa, and his money reaches Muslim groups as far away as the Philippines.

Q. It's your view that the hit squads we heard so much about were sent by Qadhafi to assassinate U.S. leaders in retaliation for the downing of the two Libyan planes—

A. I think that's when it started. Of course, we had previously broken diplomatic relations and taken other steps against Libya. Qadhafi is a little guy feeling he's being kicked around by the big guy, and he thinks he's really bigger—and he's going to show it.

Q. Do those hit teams still pose a danger to the President?

A. I think they do. You don't call those things off. Qadhafi sent somebody to say, "We're going to call them off." And then he said he was firing people out of his intelligence organization, but we find they're still there. We keep getting reports that people are being recruited, moving around. It's interesting that the American colonel—the deputy military attaché in Paris—who was killed at his home was at the highest level below those provided with security. I think that so much security was laid on to protect the President and other top Americans that the Libyans may have pulled back for a while. But you don't know when they're going to resume.

Our Paris embassy believes that a large number of their personnel are under surveillance. We see people casing the homes of ambassadors in other countries. There's clearly still a threat, and you've got to be concerned with it.

Q. Does the rescue of Brig. Gen. James L. Dozier from Italy's Red Brigades imply that the terrorist threat is receding?

A. Oh, no. It's growing. I think we're just seeing the beginning of it.

Take the Red Brigades. People who take up that activity are not normal, and their egos are easily bruised. When they suffer a setback, they want to come back to regain their reputation and status. They bungled the Dozier affair from their point of view, so their reputation recedes. Like any other business, when their reputation recedes, their ability to recruit and to get money diminished. If they want to stay in business, they've got to do something again. They've got to score a hit. They do this to make an impression or to get attention.

The reason I say it's going to increase is that the opportunity to inflict real damage and to really influence public opinion hasn't been scratched yet. The opportunities to score propagandistic hits are so much greater than has been exploited. That's why I think we're going to have more terrorism before we get less of it.

Q. If you were to name the half-dozen most dangerous spots in the world for the U.S. in the coming period, what would they be?

A. Iran, Central America, the Middle East, the other side of the Persian Gulf, Germany and East Europe, Morocco and the Strait of Gibraltar.

Q. Do you mean East Germany—or West Germany and Eastern Europe?

A. I think that whole mix—that's where something could break out.

Then, too, I think, you've got to look at southern Africa. There's the danger of that area being cut off and ultimately falling into the Soviet sphere of influence. That could put a squeeze on the minerals and other resources that are so important to the West. That may not be an imminent threat, but it's something you have to worry about.

But let me emphasize this: We're not the only people at risk. The Soviets have their problems, too.

Q. What sorts of problems are most serious for the Soviets?

A. I would make three points.

First, the Soviets have been able to carry on the biggest military buildup in the history of the world and somehow manage to make us warmongers. We're portrayed as the threat to peace because we're responding. If we tell our story right, we can turn that tide. We're not very good at it, but we can make the world more concerned about the Soviet as a threat to the peace.

Second, the Poland development should be proof of the failure of the command economy and the Communist system. They can't work on the long run without brutal repression. I don't know how Poland and Romania, which is also in a mess, are going to pull out.

Finally, the Soviet economy is in very bad shape. The leadership was a year late with its five-year plan. And in order to increase military spending, they had to make an enormous reduction in their investment program. The poor economy has led to a social malaise, alcoholism, labor unrest and strikes in the Baltic states. I'm told that Solidarity buttons were bringing $20 apiece in the Ukraine before December 13.

At some point, the bottom of the barrel is going to emerge in the Soviet Union. There are real constraints on the Soviets—real constraints. They're only able to carry on their activites around the world because they've learned to use other people so well.

UNDERWAY: A BIG BUILDUP FOR THE CIA

Q. What have you done to strengthen the agency after its years of buffeting?

A. The basic intelligence-gathering capability can't be changed overnight. It had run down over a seven or eight-year period largely because of a 40 percent drawdown in funds and a 50 percent drawdown in people. Over the past two years, starting with the last year of the Carter administration, there has been an increase in resources.

We have completed a broad examination of the challenges that the intelligence community will face during the rest of this decade—and the available technologies. We have defined the capabilities needed to meet those challenges, and we now have a general go-ahead to carry out that buildup.

Q. Does that mean a big increase in funding and staff?

A. Yes, but I can't be specific about either as they're classified but the buildup is roughly in line with the defense buildup. We also have introduced a number of other improvements to integrate more effectively the intelligence process with the administration's policymaking machinery and to improve coordination within the intelligence community. We now have a fast-track procedure that can produce an estimate in a week or two when policymakers need something quickly.

Q. How important are covert operations, which were virtually suspended during the Carter administration?

A. The Carter administration did virtually discontinue these for about two years, but in the final two years they undertook increasing numbers of special activities. These can be important. We don't talk about these activities, and they're undertaken only if they're authorized by the executive branch and reported to Congress.

Q. Are you seriously hampered by legislative constraints?

A. No. We tell the congressional intelligence committees our plans. They raise questions, and this can help us to improve and fine-tune what we are doing.

Q. Do you tell congress of these operations beforehand?

A. I can't think of any time that we haven't.

Q. Does the President's recent executive order defining the role of the CIA permit it to engage in operations in this country or spy on Americans abroad, as critics have alleged?

A. Despite the fuss made over the executive order, it doesn't alter the situation. We don't spy on Americans in this country. All counterintelligence, law-enforcement and antiterrorist activity in this country is the province of the Federal Bureau of Investigation.

But since these problems don't stop at the water's edge—they flow in—the new executive order permits the CIA to operate to the extent of supporting and coordinating with the FBI under rules laid down by the Attorney General. In pursuit of foreign-policy objectives abroad, we can work with Americans who want to help or with foreigners here in this country.

THE ASSASSINATION OF THE TURKISH CONSUL GENERAL

● Mr. HELMS. Mr. President, on January 28, Kemal Arikan, the Turkish Consul General, was brutally assassinated in Los Angeles. A terrorist group calling itself the Justice Commandos of the Armenian Genocide has claimed responsibility for the murder. One of the two gunmen, Harry Sasspunian, has been charged with murder and remains in police custody. Police are still searching for the second assailant.

Mr. Arikan was the 21st member of the Turkish diplomatic community to be gunned down by an Armenian terrorist group, and the third to die in the United States.

Mr. President, I denounce these senseless killings committed on American soil by Armenian terrorists. I commend the President and the Department of State for their forthright statements against the killing of diplomats of our NATO ally, Turkey. Mr. President, I ask that these statements be inserted into the RECORD.

The statements follow:

THE WHITE HOUSE,
January 28, 1982.

STATEMENT BY THE PRESIDENT

This afternoon a tragic event occurred in Los Angeles. The Turkish Consul General, Kemal Arikan, was assassinated in an apparent act of terrorism. I condemn this vicious act.

I have, in addition to communicating with the Turkish Ambassador here in Washington, instructed my Administration to forthwith assist local law enforcement in both investigating the murder and, hopefully, bringing this criminal or these criminals to trial so that justice might be done.

MURDER OF TURKISH CONSUL GENERAL

(Statement Made by Department Spokesman at Noon Briefing, Friday, January 29, 1982)

Yesterday morning in Los Angeles the Consul General of Turkey, Kemal Arikan, was brutally murdered by gunmen. An anonymous caller has claimed that the Justice Commandos of the Armenian Genocide carried out this assassination. The Justice Commandos are a well-known terrorist organization which has been killing Turkish diplomats and their families around the world for the past few years. Kemal Arikan is the 21st victim of this savage campaign. The Justice Commandos also claimed responsibility for the Columbus Day 1980 bombing in New York, which severely damaged the Turkish UN Mission and adjacent buildings and injured a number of innocent pedestrians.

President Reagan, Secretary Haig, and Acting Secretary Stoessel have extended their condolences to the Government of Turkey and the family of Mr. Arikan. They have also expressed shock and outrage at this vicious and cowardly act. We are deeply gratified to learn that authorities in California were able promptly to take several suspects into custody.

Terrorism is a hideous crime which violates the norms of decent human behavior. It cannot be tolerated by the civilized community of nations. Those who practice it must find no excuse and no haven. The murder of Kemal Arikan is a sharp reminder to all nations of the need to redouble their efforts to stamp out the worldwide menace of terrorism.

Mr. HELMS. Mr. President, the two major Armenian terrorist organizations are the Armenian Secret Army for the Liberation of Armenia, a Marxist organization, and a newer group, the Justice Commandos of the Armenian Genocide. These two groups have boastfully taken credit for 21 killings and over 40 bombings which injured innocent bystanders in Western Europe, Australia, and the Middle East.

An article in the Los Angeles Times described the Secret Army for the Liberation of Armenia as follows:

> Led by hardened Marxists, its troops are mostly well brought up children from middle class Armenian families from Lebanon, France and the United States. Their goal * * * is to force Turkey to surrender the eastern fifth of its territory to the descendants of the Armenians who once lived there—or failing that, to the Soviet Union. Their method is killing Turkish diplomats.

The article goes on to say that Palestinian and Armenian sources assert that the Secret Army also maintains close relations with the radical Marxist Popular Front for the Liberation of Palestine.

The Secret Army manifests a pro-Soviet ideology. At their press conference in the PLO-controlled sector of Beirut, Lebanon, in April 1980, they praised the Soviet Union for having granted a homeland to the Armenians and denounced the United States as an imperialist power.

The second terrorist group, the Justice Commandos of the Armenian Genocide, is the illegitimate offshoot of the Dashnak Party's youth wing. This group took credit for the Los Angeles assassination, the killing of two Turkish diplomats in Australia in 1980, and for wounding the Turkish Ambassador to Denmark.

Despite an announcement by these terrorist organizations that their operations would begin in Turkey in April 1980, no terrorist acts were reported in that country. Assassinations took place in Western Europe, Australia, and the United States. Turkey had its share of political violence between 1975 to 1980, and certainly the terrorists had the opportunity to kill in Turkey—that is, if they had possessed any strength among the Armenian minority.

In addition, neither the Secret Army for the Liberation of Armenia or the Justice Commandos of the Armenian Genocide mention the religious, cultural, or national oppression of the 3 million Armenians in the Soviet Union. This, Mr. President, I find quite strange since 3 million of their brothers and sisters have to struggle, often without avail, to maintain their religion and culture against atheistic communism and russification. Howev-

er, it is not against this injustice the terrorists protest, but against Turkish actions committted by the Ottoman Empire in 1915.

The methods of these Armenian terrorists are most reprehensible and violent. They violate the most rudimentary principle of international law, and indeed, of international relations—the sanctity of innocent life. These terrorist groups are facilitating Moscow's strategic designs by attempting to destabilize our pivotal NATO ally which controls the straits to the Mediterranean Sea from the Soviet dominated Black Sea.

On February 1, the Wall Street Journal featured an excellent article entitled "Terrorism at Home". Mr. President, I ask that this article be inserted in the RECORD.

The article follows:

TERRORISM AT HOME

The rescue of Gen. James L. Dozier may break the back of the Red Brigade terrorist movement in Italy. In itself a considerable blow to the group's mystique, the brilliant rescue is also testimony to the progress Italy's anti-terrorist police have made in cracking the organization and arresting its leaders.

How ironic that on the same day Gen. Dozier was rescued, the Turkish consul was assassinated at a stoplight in Los Angeles. It would be a huge mistake to view the killing of consul Kemal Arikan by Armenian terrorists as part of some obscure Byzantine quarrel. There is every reason to worry that it will mark the start of the same sort of process with which the Italians are so painfully learning to cope.

The Armenian grievances against the Turks arise from massacres committed by the Ottoman empire around 1915. There is no question that the Ottoman suppression of the Armenians involved terrible brutality, not excused by the fact that it was deliberately provoked by terrorist groups in the hopes that the Christian powers of Europe would protect their co-religionists from the Moslem Turks and set up a separate Armenian state.

Even accepting the Armenian massacres as something close to the Holocaust, though, what excuse are they for assassinating diplomats who were not even born at the time, and who serve a vastly different political regime than the one that existed then? One does not expect to find Jewish terrorist groups gunning down German ambassadors or consuls, whether from West or East Germany.

And indeed, while there is no doubt deep resentment of everything Turkish among Armenian communities everywhere, the wave of assassinations did not start until some two generations after the massacres. Suddenly in the early to mid-1970s, a wave of highly professional and well-coordinated killings began, sometimes during the same week at locations separated by oceans. More than a score of Turkish diplomats have now perished. Mr. Arikan was the third to die in the United States.

Adding to the mystery, nothing was known about the leadership of the most prominent terrorist group, the Armenian Secret Army for the Liberation of Armenia. Another group, the Justice Commandos of the Armenian Genocide, claimed responsibility for last week's killing.

The Armenian Secret Army's literature is fascinating. Armenia, a publication issued in Beirut in Arabic, Armenian and English, is one example. One issue is particularly explicit. The aim of the group, it says, is to liberate Armenian lands occupied by Turkey. That is, the eastern part of the country, which borders Iran, Iraq, Syria and the Soviet Union. Because of the massacres few Armenians still live there, but it does contain airfields from which planes could overfly the Persian Gulf.

The Armenian Secret Army's magazine further explicitly stipulates that the Armenian Soviet Socialist Republic is already liberated. Indeed, it proclaims that after Armenian lands in Turkey are liberated, they should achieve "unity with the Armenian S.S.R." In short, the avowed purpose of the leading Armenian terrorist group is to detach a strategic hunk of NATO real estate and attach it to the Soviet Union.

The Armenian assault on Turkish diplomats, of course, came in conjunction with a well-financed terrorist assault within Turkey itself, leading to the current hiatus in Turkish democracy. Propaganda broadcasts were directed from East Germany to Turkey, and terrorists were known to find refuge in Bulgaria. The killings within Turkey reached 28 per day before the military intervened to take over the government. The government has succeeded in stopping the killings, and as it proceeded to arrest terrorists, has seized weapons worth more than $250 milion. Turkish authorities estimate that total financing of terrorism came to more than a billion dollars, the equivalent of NATO military aid to Turkey over the same period.

Given this history, Armenian dissidence in the U.S. clearly deserves the highest scrutiny. There is plenty of room to wonder whether law enforcement officials have taken it seriously enough, since the Arikan killing comes in the wake of public demonstrations on Turkish-Armenian issues in recent weeks and the bombing of the Turkish consulate in Beverly Hills three months ago. But the terrorist outbreak in Los Angeles should be viewed as neither solely a local law enforcement issue nor mainly a result of ancient wrongs. It would be nice to be reassured that the highest levels of the U.S. government understand that this is not an isolated aberration but in all likelihood part of a world-wide struggle.

Mr. HELMS. Mr. President, I would like to conclude with a quote from His Beatitude Shnoorkh Kalousdain, the spiritual head of the Armenian Catholic Church in Turkey, which appeared in the publication Marmara:

The perpetrators of these abominable crimes should be exposed as soon as possible and brought before justice. The Turkish Armenian Catholic community strongly condemns these senseless and cruel crimes which are incompatible with the tenets of our religion and humanity, directed against innocent people and which serve no purpose.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for a determination under rule 35 which would permit Mr. Herman Pirchner of the staff of Senator JEPSEN, and Mr. Jeffrey Lewis of the staff of Senator PACKWOOD, to participate in a program sponsored by a foreign educational organization, the Van Leer Jerusalem Foundation in Israel from March 15 to 24, 1982.

The committee has determined that participation by Messrs. Pirchner and Lewis in this program is in the interests of the Senate and the United States.●

NATIONAL CONSERVATION CORPS

● Mr. MOYNIHAN. Mr. President, on February 3, Senator MATHIAS and I introduced S. 2061, the Public Lands Conservation, Rehabilitation, and Improvement Act. This bill addresses two of our most pressing problems; namely the alarmingly high rate of teenage unemployment and the deterioration of our Nation's public lands and cultural resources, by creating a national conservation corps to enhance and rehabilitate our public lands.

I would like to direct my colleagues' attention to a most eloquent call for the creation of a new national conservation corps delivered by Mr. Sydney Howe, executive director of the Human Environment Center, in the March 3, Christian Science Monitor. Mr. Howe's argument is both cogent and forceful. I ask that it be printed in the RECORD.

The article follows:

AMERICA NEEDS THE CCC AGAIN

(By Sydney Howe)

A national conservation corps could rescue many young men and women from the idleness now burdening their lives and America's future. The cost would be minimal, and liberals and conservatives alike would find their values served.

Youth work to conserve cities, towns and the hinterland can be essentially self-financing. The benefits defy calculation: young lives given meaning, welfare and crime costs avoided, and human and natural resources made productive for decades ahead.

Some active conservation corps proposals deserve immediate attention. Last June, United States Rep. Edward Roybal, an original Civilian Conservation Corps member, proposed "CCC II." In late October, Democratic Representatives Seiberling, Moffett, and Roybal, with Republican Representatives Bereuter and Conte, introduced the Public Lands Conservation, Rehabilitation and Improvement Act. Their bill, H.R. 4861, would create urban and rural "conservation centers" for youth work throughout the nation. It now has over 80 House cosponsors. Senators Moynihan and Mathias have

just introduced the same bill in the US Senate.

The small year-round youth conservation program now dying from budget slashes performs needed natural resource and facility-maintenance work for the Interior and Agriculture Departments, the states, and local governments. The cost is 20 percent lower than any alternative procurement of the same services, and considerable gains for young people and society accrue without charge. The work is demanding, and it builds character, confidence, and basic skills. "Hard work, low pay, and miserable conditions," advertises the state-backed California component, which has many more applicants than positions. Enrollees often say, like 16-year-old Antonio Dixon of Brooklyn, that without this experience, "I'd be in trouble."

Under the same program, said New York Mayor Edward I. Koch last July, crews of primarily black and Hispanic high school dropouts, at a cost of $2.9 million, completed work projects in more than 70 parks throughout the city: "The open market value of this work is estimated at $8.8 million." Could this be workfare? The mayor called it "a relatively inexpensive but high-impact program" that is "critical for urban areas."

Some federal funds available even now could finance youth work. The National Park Service has new money for maintenance catchup, some of which is labor-intensive and could be performed most cheaply by minimum-wage crews. Aid to insulate low-income people's homes, although reduced, could finance weatherization like that done in New York by the foundation-backed Youth Energy Corps. Each state's share of federal taxes on hunting and fishing equipment could help support habitat-saving youth projects. The mushrooming Abandoned Mine Land Fund, launched in 1978, takes in $200 million a year from coal companies; little has been spent from the fund, and it could well pay young workers to plant ravaged strip-mine slopes.

The revenue-producing possibilities on private lands are immense. Small woodlots produce poor trees because timber stand improvement doesn't pay at prevailing wages, but low-paid youth crews could make the difference, benefiting landowners, the timber and housing industries, and ultimately consumers. Such fee service for landowners could include low-cost soil conservation, wildlife enhancement, stream-bank protection, and other projects, supplanting government outlays for both conservation and youth jobs. Some authorities assert that youth crews gathering forest waste for gasohol production would be self-financing energy producers.

Both immediate and long-term savings in the costs of crime, incarceration, and welfare programs would be large. Enrollment preference should be given to disadvantaged youth from families in poverty. With recent youth unemployment at 22 percent, and more than 45 percent for black youth, and with a growing national backlog of maintenance—from dilapidated urban facilities to eroding grasslands—we must combine human and natural resources to save both.

Four months after the CCC was proposed to Congress in 1933, there were 200,000 young men at work in camps across the country. Ultimately enrolling 500,000, Franklin Roosevelt's initiative acquired wide bipartisan support and became a source of pride for all Americans. Today's youth and tomorrow's human and natural resources warrant no less.●

THE 19TH WEHRKUNDE CONFERENCE

● Mr. KASTEN. Mr. President, recently I had the privilege of participating in the 19th Wehrkunde Conference in Munich. The exchange was extremely useful, I think, for participants from both sides of the Atlantic.

Both the United States and our European Allies are experiencing economic difficulties. The United States is nevertheless committed to a sustained recovery program for our national defense. The margin of safety that we seek to restore clearly benefits our Allies as much as it does our own country. Yet many of these Allies use their economic problems as an excuse for cutting back severely on their defense commitments.

Senator GLENN's remarks at the Wehrkunde Conference were very timely in this regard. Mr. President, I ask that these remarks be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR JOHN GLENN AT THE 19TH WEHRKUNDE CONFERENCE

Defense Minister Apel refers to this gathering as a symposium. One definition of a "symposium" given by my Webster's Unabridged Dictionary is that of "a meeting following the banquet proper, usually with music, singing, and dancing." There may be little music, singing, and dancing about the subjects we discuss here today. I am concerned that NATO is preparing for one particular threat, but that there is another threat of equal importance that has crept up on us that is not being adequately considered, even though it affects us all.

When NATO was established, the major Soviet threat in Europe was a land attack on the central front. I would submit that this started changing at the time of the Cuban missile crisis. The Soviets went home in embarrassment and decided to build their military capabilities. And they built—not defensive forces—but power projection forces. Where they were capable previously only of land attack from their homeland, they became capable slowly over the past 15 years or so of airmobile and amphibious operations continents away.

And the Kremlin leaders have used these projection forces. You saw the original coup in Afghanistan, for instance. Major help then followed for Syria and Iraq. After this came the use of a new military experiment—surrogates. Cubans with Soviet equipment, used that equipment in such places as Angola, Zaire, Ethiopia, Somalia, South Yemen, and doubled their presence in the Indian Ocean and the islands north of Japan with an additional 12,000 troops. The Soviets gave major help to the Vietnamese in their invasion and occupation of Cambodia and followed that up with a military takeover in Afghanistan. So we are seeing them move without hesitation in these areas as they have developed their strategic mobility and conventional forces.

So why should we of NATO be concerned with what the Soviets do in other areas? While NATO has remained focused on the central European front, we have seen our resources dependency expand at a tremendous rate. Oil is but one example. While we get some 20 percent of our oil in the Persian Gulf, Europe gets approximately 50 percent from that same source, and Japan gets over 75 percent.

But we are not vulnerable solely because of energy dependence. We in the United States have some 90 materials we consider to be of strategic and critical importance. Two-thirds of which are minerals. We are self-sufficient in two, mellithemum and magnesium. We are close to sufficiency in two more, copper and lead. But we have virtually no U.S. production in four of the most critical—cobalt, manganese, chromium, and platinum. Just to use one example, on our F-100 jet engines, we use some 1,485 pounds of chromium for each engine. Significant amounts of aluminum, cobalt, columbian, manganese, nickel, tantalum, and titanium are also required. We have a U.S. dependency on overseas supply for between 77 and 100 percent of all of those particular metals. The same thing can be said across the board for our industrial base and for the industrial base of the rest of the free world, including, of course, Germany and Europe.

So the Soviet Union can now threaten resources that are absolutely necessary to our society. Indeed, if one looks at the map and plots those African areas where the Soviets have made their moves with their Cuban surrogates, we will find an ominous alignment with the sources of these vital resources.

The United States has been trying to come to grips with this new vulnerability and to protect the West from this changed threat. I myself just came to this conference from a visit around the Persian Gulf area. But NATO still concentrates on the central front. At last year's conference, Minister Apel stressed that NATO had no business getting outside of its traditional area unless there are individual commitments that particular nations wish to make. This year in the English version of his paper, Herr Apel says in part, ". . . we should bear in mind that expanding the NATO area is out of the question." I would submit that NATO needs to do a new threat analysis that now includes resources. The United States is expanding its commitments to benefit all of the three major free world economic centers—Europe, Japan and the United States. But Americans expect our European and Asian allies to increase their share of the new burdens we all must bear.

Let me give a view of things from the United States and what I think this may well result in—perhaps even this year. I'm sure that many here recall that back 12 or 13 years ago, Mike Mansfield annually introduced a bill in the Senate to force the United States' withdrawal from NATO. Senator Mansfield believed we had been here too long, and he thought it was right that we withdraw our forces from NATO. He did not get broad support for the proposal. But I think there is a change in the United States today.

I think that Americans expect a greater degree of burden sharing and are willing to press in the same directions outlined by Senator Mansfield. If we see that move coming, I think many politicians may be well obliged to follow. It would not surprise me at all to see such an amendment this year. I am personally not for it. I think it would send all the wrong signals. But I am being very blunt and straightforward in saying that I think it would be possible, perhaps even this year with the mood of the people in the United States with regard to burden sharing, that there will be a reduction in our European commitment unless there is some sort of additional help or aid

for our Middle East expenses and our commitment there.

I am not making threats, but I think I'm being realistic in saying that Americans believe that we are reaching the limits of our resources by taking on broader global commitments. These are commitments that we see benefiting all NATO and all free industrial world nations. But we see far too little additional burden sharing by our allies.

Now how much is enough for defenses? Well, that is difficult to say. I think too often we set up a balance sheet between the social and the military programs as though military spending is merely some sort of sop to a special interest constituency of generals, admirals, and defense contractors and that somehow military budgets ought never exceed what is spent on social welfare programs. I wish it were that simple. I am reminded that during America's first Constitutional Convention in 1787, one of the delegates wanted to make it law that America's army would forever be limited to 5,000 men. George Washington, the presiding officer, turned to another delegate and whispered, "Amend the motion to provide that no foreign enemy shall invade the United States with more than 3,000 soldiers at any one time."

We cannot benefit from balanced budgets if we're subjugated from abroad. We cannot prosper if we are deprived of critical raw materials. And we cannot survive unless we remember that the most important social service a democracy owes to all its citizens is to keep them free from oppression.

The major cause of our inaction, perhaps, lies in the fact that the locale of Soviet advances fits the indirect strategy so clearly described by B. H. Liddell-Hart. NATO wakes each day to find itself increasingly threatened by yet another Soviet move in areas outside the European arena. Areas in which our traditional patterns of thinking do not prepare us to respond in any meaningful way. Our energy supply lines and critical materials are more threatened now than ever before. The economies of Western Europe, Japan and the United States could literally be devastated without a shot being fired at the Fulda Gap. The Soviet arms build-up has clearly challenged the alliance where it is the most vulnerable.

What is the purpose of the alliance? It seems to me the purpose of the alliance is to protect against the threats to our collective and individual freedoms. The threat has advanced; the NATO response has not kept pace.●

FATHERS AND CHILD SUPPORT

● Mrs. HAWKINS. Mr. President, as the debate over the President's New Federalism heightens, I believe the Nation's attention should be directed to a subject that has serious implications in an era of budget crunches and that is—the subject of absent fathers. When the question of welfare reform arises, attention turns to absent fathers, and ways to get them to make more effort to support their families. Unfortunately, any sense of obligation on the part of the fathers themselves appears to be disappearing. That is, I suspect, largely because society has stopped asserting that responsibility and requiring effort on the part of fathers through the mechanisms of the law.

Nevertheless, there is something that can be done. The usual assumptions about absent fathers—that they cannot be found, that they are on welfare themselves, that paternity cannot be established, and so on—turn out upon investigation not to be true. The result is considerable variation in the amounts of money different jurisdictions are able to recover from absent fathers for the maintenance of their families.

For instance, in 1980, New York State collected child support payments amounting to 3.4 percent of its aid to families with dependent children payments. Michigan, which has a similar caseload, collected 8 percent. The differences appear to be due entirely to different attitudes toward what is expected of absent fathers, and to the variation in effort made to achieve collections.

Mr. President, this entire subject has been treated in an exceptional article in the current Public Interest. Written by Blanche Bernstein, who was Mayor Koch's administrator of human resources, the article lays to rest most of the false assumptions made about child support and absent fathers, and offers real hope of improvement in this area of welfare. I ask that the article be printed at this point in the RECORD for the benefit of my colleagues.

The article follows:

[From the Public Interest]

SHOULDN'T LOW-INCOME FATHERS SUPPORT THEIR CHILDREN?

(By Blanche Bernstein)

The title of this article may seem odd. If any proposition would receive an extraordinarily high affirmative vote in a national poll, it is that parents are responsible for the care and support of their children if they are physically, mentally, and financially able to be. In particular, the father is regarded as having this obligation, whether he is present in the house or not. It is a principle embedded in national and state laws governing domestic relations. And yet there has always been some gap between this principle and reality, and this gap has widened in recent decades as divorce rates have skyrocketed and the number of children born out of wedlock has risen each passing year.

Some anecdotal material indicates that some fathers with middle- or upper-level incomes fail to provide any or sufficient support, and so force their wives and children to apply for public assistance, but the data available from various sources on the incomes and occupations of the "absent" fathers of families on Aid to Families with Dependent Children (AFDC) do not indicate that this is at all widespread. The sense of obligation of the divorced or otherwise absent father to support his family holds, by and large, in the middle- and upper-income groups, or else the family obtains support from sources other than public assistance.

The sense of obligation of the relatively low-income father, however, has greatly weakened, as evidenced by the huge increase during the last two decades in the numbers of female-headed families on welfare, most of them receiving no financial support from the absent fathers. Indeed, the welfare system itself, in the sense that it provides an alternative, may, in significant measure, be responsible for the diminished sense of obligation felt by low-income fathers to support their children. One New York City Family Court judge, recounting a typical case in her court in which she inquired of the father how much financial support he was giving to his wife and children, received the reply, "She doesn't need help from me. She's on welfare." One must ask how such an attitude, so contrary to both the ideal and the norm, developed and became widespread. Are such attitudes and the resulting behavior acceptable to society as a whole? If not, can they be changed? By what means? This article is an effort to respond to these questions with special reference to the problem as it manifests itself in New York City.[1]

THE LEGISLATIVE BACKGROUND

When the AFDC program was first established in the Social Security Act of 1935, little attention was paid to the issue of child support payments. The presumption was that most recipients would be wives and children of deceased or disabled fathers, and such was in fact the case during the early years of the Program. The change started in the 1950's and accelerated through the next two decades. By 1980, in the country as a whole, only about 4 percent of the fathers of AFDC recipients were deceased or disabled; in New York City less then 2 percent were. But while the characteristics of the welfare caseload changed, and although most state laws provided that support should be sought from the absent fathers, few serious steps were taken by state or local welfare administrations to accomplish this purpose. One reason was that the new facts about child support had not yet caught up with the outdated presumptions; another is that such efforts were not welcomed by the social welfare community or the judiciary.

Dissatisfaction with the results of modest Congressional efforts in 1950 and 1967 to increase collections for child support from absent fathers led Congress in 1974 to the passage of Title IV-D of the Social Security Act. In reporting the bill, the U.S. Senate Committee on Finance stated "The Committee believes that all children should have the right to receive support from their fathers. The Committee Bill is designed to help children attain this right, including the right to have their fathers identified so that support can be obtained."[2]

Title IV-D, which came into effect August 1, 1975, requires that as a condition of eligibility for AFDC every applicant or recipient assign support rights to the state and cooperate with the state in establishing paternity and securing child support.[3] Title IV-D also laid down a number of requirements for HEW, Internal Revenue Service, and the states with respect to the administration of the program, all designed to provide an aggressive, effective administration of the law. Finally, it provided for 75 percent federal reimbursement of the costs, instead of the

[1] The author was Adminstrator of the New York City Human Resources Administration from January 1, 1978 to April 30, 1979.

[2] Staff of the Committee on Finance, U.S. Senate, U.S. Government Printing Office, March 19, 1975, p. 3.

[3] In this context "state" includes the political subdivisions of the state as well.

usual 50 percent, and as a further incentive it permitted a locality, such as New York City, to keep 50 percent of total collections for a year and 40 percent thereafter in place of its usual 25 percent. In sum, after two decades of benign neglect of the child support issue, the Congress moved in a massive way to create a system to maximize efforts to obtain support from absent fathers of AFDC recipients.

As with any new large-scale program, establishing the administrative mechanisms is difficult and time-consuming, and this program was particularly complex. As problems arose, recrimination was rife among the feds, the state, and the localities, and between the localities and the Family Court, as each accused the others of not doing what they were supposed to do. In New York City, initiation of the Title IV-D program coincided with the beginning of the acute phase of the city's fiscal crisis. Massive layoffs occurred in the Human Resources Administration (HRA), as in other agencies, seniority rules required transfer of large numbers of staff into different jobs, and the unions complicated matters by prolonged negotiations over appropriate duties of staff in various positions.

Despite all the problems, common in other states as well, the program not only got underway, but by the end of 1976, the first full year of operation, collections exceeded expenditures in most states including New York (but not in New York City). Philip Toia, New York State Commissioner of Social Services at this time, wrote to the Governor and the Legislature as follows:

"Perhaps the most important conclusion that should be drawn from our experience to date is this: IV-D can work. It may seem surprising that this is being presented as a conclusion two years after Congress mandated the program. Yet in many ways, the conclusion is an appropriate one. For probably no other major initiative in the field of public welfare has in recent years been as controversial as IV-D. No other program has been as widely attacked by professionals in the field as misconceived, misdirected, and doomed to failure."

THE ATTITUDE OF SOCIAL WELFARE PROFESSIONALS

Nowhere was the attack against the program by the social welfare community more acute and more sustained than in New York City. The Community Council of Greater New York, a coordinating group for many of the social welfare organizations in the city, began to monitor the program in February 1976. An interim report issued at the end of the year was appropriately critical of many aspects of the administration of the program. But what is revealing of the attitudes of the organization is the absence of any affirmation of the notion that fathers have an obligation to support their children if they are able to do so.

The final report, entitled "Who Should Support the Children," issued in early 1978, does make a policy statement, but it is ambiguous at best, and at worst is basically hostile to an aggressive program to obtain child support from absent fathers. The Council questions the general societal disposition to place a high value on marriage and points to the increase in the number of female-headed families in the United States during the last two decades. It rejects the findings of any studies which point to a connection—real or collusive—between welfare and family breakup; questions whether the absent fathers have sufficient income to support their families; expresses doubt that it will be possible to establish paternity for the large number of out-of-wedlock children (though as the report itself indicates, establishing paternity proved to be relatively easy); and concludes that the child support program will work effectively only where a legal marriage exists, paternity has been established, the father's whereabouts are known, and his income is adequate to contribute toward the support of his dependents. This is a curious indictment—the purpose of the law was, among other things, to promote efforts to establish paternity for those children who needed to have it established (those born out of wedlock) and to locate the fathers, recognizing that this would indeed take some effort.

Apart from the Community Council, many social welfare leaders in the community, who were members of the Advisory Committee to the HRA Administrator at various times between 1975 and 1979, opposed the program and urged the various Administrators, including me, to oppose it. The adverse impact of the Advisory Committee's attitude on the operation of the program was clearly evident. By August 1976, a year after its initiation, the program in New York City was, in the view of the New York State Department of Social Services, in complete disarray. HEW officials were threatening sanctions against the state, sanctions which could have meant heavy financial penalties which the state and the city could ill afford.[4]

At an October meeting of top officials of the New York State Department of Social Services and HRA to discuss the problem, state officals were particularly disturbed by HRA Commissioner J. Henry Smith's comment that:

"I don't know if it will ever be a good program. I had a meeting with my Advisory Committee today—these are the high priests of welfare—and they don't believe the program is good or can be. Conditions in New York City . . . make it impossible. Motivations are all wrong; to assume it will do the job it's supposed to do is probably a mirage."

As one reviews these expressions of opposition by the social welfare community, including its "high priests," to the efforts to obtain child support from absent fathers, the following major justifications for their position emerge:

1. The children may be endangered, or the mothers may be harassed and their civil rights abridged.

2. The notion that the father should ordinarily be regarded as the primary source of support for the children is outdated and should be superseded by the view that government must guarantee an adequate income for people in whatever life style they choose to follow.

3. A set of "facts" are assumed: to wit, the fathers can't be found; if found they will not admit paternity; if they do, they do not earn enough to provide support, etc. In sum, it is not possible to administer the program effectively. Therefore, it is "obviously" not cost-beneficial since "experience shows" that it is not cost-benefical.

4. The effort is nothing more than a reflection of racism, sexism, and hostility toward the poor.

[4] These threats continued through most of 1977. In the end, however, they were avoided as HRA in 1978 was able to claim sufficient improvement over the situation found by audits in 1976 and 1977.

RACISM AND SEXISM?

It is worth examining this rationale in some detail. Is it soundly based on analytical studies, or is it simply an ideological assertion based on unproven assumptions? My reply is presented seriatim.

1. Child abuse has not been unknown in the history of mankind, though it is fair to say that only in the last decade have we come to a better understanding of the size and depth of the problem. There is much that we do not know about the causes of child abuse, but what we do know from the records of cases brought to the courts is that it is generally committed by the parents(s) or relatives in the home, not by the parent out of the home.

The notion that the children may be endangered if the absent father is required to contribute to their support is not based on any study or analysis. Rather it is an assertion based on a view of low-income fathers, disproportionately black or hispanic, as unable to bear any responsibility without lashing out physically or emotionally at their children. Undoubtedly, there are such fathers—from all income levels and all races, and mothers, too—but surely, and fortunately, experience and available data indicate they constitute only a small fraction of the population.[5] And when there are indications that serious difficulties may arise, Congress has provided an exception to the requirement that the mother cooperate in locating the father if it would not be in the best interest of the child.

It is essential to the effective administration of the child-support program that the AFDC mother cooperate with the welfare administration by providing the information she has to assist in the location of the father. And it is the worker's duty to probe and to obtain the information and not to accept at face value such statements as, "I don't know where he lives"; "I don't know where any of his family or friends live"; "I don't know what work he does or where he works," etc. Very few out-of-wedlock children on welfare are born of casual relationships. The vast majority of unmarried women on AFDC have had a relationship with the father for at least a year before becoming pregnant, and more than half for two or more years. Among the married women, less than 10 percent had been married for less than two years.[6] They must know something about the father.

It is always possible that a social worker may, through prejudice, overzealousness, or even incompetence, incorrectly assume lack of cooperation when in fact the mother does not have the necessary information, and that an unreasonable denial of assistance will slip through the review process. But the denied applicant may apply for a fair hearing and in the meantime obtain food stamps and emergency assistance if need can be shown.

Is it harassment or an abridgment of civil rights to insist on the mother's cooperation in naming and locating the father in exchange for obtaining public assistance? In

[5] A report in the New York Times July 21, 1981, one in a special series on children, states that 711,742 cases of child abuse were reported in the country in 1980, involving 1.1 percent of those under 18 years of age. Even if actual cases are triple those reported, the figure would come to 3.3 percent; and, as indicated above, most child abuse is committed by parents in the home.

[6] B. Bernstein and W. Meezan, The impact of Welfare on Family Stability (Center for New York City Affairs, June 1975), p. 30.

Sweden, which has as liberal and extensive a social welfare program as any country, the mother applying for assistance is required to name the father and provide other relevant information so that he can be contacted and required to contribute to her support. If she does not cooperate she is denied assistance. It is as simple and routine as that and no one charges harassment or denial of civil rights. The social welfare community in New York appears to insist that the client is always right and never says anything but the truth. In the world we live in, this should not be regarded as a liberal view but as simple naivete.

2. It has become fashionable in social welfare circles to accept any grouping of individuals who choose to consider themselves a "family" as such, and in particular to regard the female-headed family as "normal" because of the enormous increase in the numbers of such families since the early 1960's. Since it is "normal," and therefore acceptable, financial support and other necessary services should be provided by the government. But we do not regard crime, drug abuse, or terrorism as normal or acceptable because each has vastly increased in recent years, nor do we accept with equanimity rising absenteeism from schools and factories with its accompanying increase in school dropouts or declining productivity. To suggest that because the number of female-headed families has increased, government should be regarded as bearing the primary or even sole responsibility for support, is circular and absurd reasoning. Of course, government must step in if there is no other source of support. But if the father is financially able to contribute, the mores of the general society require that he do so, and to insure that he, in fact, does so, an effective enforcement system must be established.

3. Most of the social welfare community's "facts" with respect to the possibilities of finding fathers, establishing paternity, and obtaining support, have proved ephemeral and the assertion that the program cannot become cost beneficial has proved unfounded. In the country as a whole, as well as in many of the industrialized urban states (including most of New York State), the program has been highly cost-beneficial. New York City has always been the exception.

4. Where does this leave us with respect to the final and most emotional charge that the child support program is racist, sexist, and anti-poor? It is true that in the country as a whole, blacks and hispanics are disproportionately represented among AFDC clients, and that in many of the major cities blacks and hispanics constitute a substantial majority of the caseload. Perforce, they are the major target of the child-support enforcement program. But translating this fact into "racism" must rest on the notion that one should not impose the same standards of family responsibility on black or hispanic men that one would impose on white men in a comparable financial position. But why should we have lower expectations for blacks and hispanics than for whites? Are they inferior? Are they naturally irresponsible? Don't they care at all about their children? Is it a characteristic of their race?

If the responses to these questions are negative, as mine are, the charge of racism is nonsensical, as is the notion that efforts to obtain child support are sexist or anti-poor. Rather, the set of views expressed by the social welfare leaders becomes an elaborate justification, perhaps more aptly called a smokescreen, to permit an indiscriminate use of public assistance funds to redistribute income not in accord with legislative intent but in accord with the view of social justice held by many in the social welfare community.

ATTITUDES OF THE FAMILY COURT

The Family Court has an essential role in the implementation of the child support program. Only the court can make the legal determination of paternity (the basis for requiring support payments), only the court can issue an enforceable support order, and only the court can enforce it. Even support agreements entered into voluntarily cannot be enforced unless they have been submitted to the court and a confirmatory order issued. A major obstacle to the effective administration of the child support program lies in the attitudes of the judges in the Family Court, particularly in New York City, toward the basic legislative policy embodied in Title IV-D.

It must be recognized that the Title IV-D program, designed as it was to promote a vastly increased and aggressive effort to locate absent fathers and obtain support, placed a heavy additional burden on the Family Court already overburdened with a growing volume of juvenile delinquency and child abuse cases, issues of much public concern requiring prompt court attention. Further, the city's fiscal crisis precluded any increase in Family Court staff; indeed, it imposed a decrease.

A host of administrative problems arose in the processing of child support cases through the family courts, and a large volume of recriminatory correspondence was exchanged between state and city officials, on the one hand, and Judge Joseph B. Williams, Administrative Judge of the Family Court in New York City, on the other. But while the Family Court had legitimate problems in terms of limited staff and additional work loads, one must look to the judges' attitudes toward the program to understand why it has been so much less effective in New York City than in a city such as Detroit, which has a caseload similar to New York's.

What was at issue was whether the Family Court and the judges were going to abide by the spirit as well as the letter of the legislation and the administrative regulations, or whether they were going to exploit judicial discretion without limit. That the latter was probable became evident to me in the summer of 1978 when, in my capacity as HRA Administrator, I visited the Brooklyn Family Court and had a long talk with Judge Philip D. Roache and sat in his court to listen to three cases involving child support. Shortly thereafter, I wrote Mayor Koch describing what I heard and saw, and I will quote extensively from the memorandum.

I wrote the Mayor:

Judge Roache indicated a lack of sympathy with the IV-D program and I shall try to give the flavor of a series of complaints he made as follows:[7]

1. "What is the point of bringing in all these 18 or 19 year olds who have not seen their fathers for 15 years to try to establish paternity? It's an utter waste of time." I then responded with the fact that there are very, very few such cases. The great bulk of cases dealt with are young children.

2. "What was the use of bringing the fathers into court since they are all on public assistance? I said, on the basis of available figures, this clearly was not true. Most of the fathers were not on public assistance. Further, even when they were, we might want to establish paternity in case they later become self-supporting. But we did not try to obtain support while they were on public assistance.

3. "What is the use of bringing these men in for support since none of them are earning very much?" I said some were not earning much and others were earning enough to provide some support according to the state standard which allowed the "absent father" to retain enough income to maintain the Bureau of Labor Statistics lower level standard of independent living. Judge Roache rejected the state standard and said, he "knew better what a man could afford to contribute to the support of his child."

I then moved into Court with Judge Roache and observed the procedure in three child support/paternity cases. Among the six people involved, all were young—somewhere in their twenties. None were married. The three children involved were all very young. The three men were working and all three readily admitted paternity. With respect to this latter point, I felt that Judge Roache in his efforts to inform the men of their right to deny paternity overstressed the burdens this could impose on them without any counterbalancing statement indicating that if they were the fathers of the children, they had a responsibility toward them.

More disturbing was what could almost be called a farce in terms of determining what the father could afford to pay toward support. Judge Roache asked what they paid for rent, a question each was generally able to answer; whether accurately or not, one could not say. He then asked how much they spent on food and what other bills they had—questions which each of the three men found utterly confusing; clearly they had no idea. The three men respectively earned $91, $120, and $140 per week, net of taxes. In one case, the man offered to pay $15 per week, but Judge Roache decided that he should pay only $10; this was the man earning $120 a week who was living with his aunt and paying $25 a week for rent and board. The man earning $140 was already making a support contribution and the amount was not divulged or reviewed by the Court.

It was later advised by staff who are frequently in Judge Roache's Court that even the above sums, which are substantially below the state standard, were higher than he ordinarily allows and may have been due to my presence in court.

On July 25, 1978, subsequent to receiving the above memorandum, the Mayor wrote the Administrative Judge for Courts in New York City, David Ross, bringing the problem to his attention and requesting some corrective action. In conclusion he said, "What is particularly painful to me is to learn that last year the City of New York collected under this program approximately $15 million while Detroit, in a similar period of time, collected approximately $50 million. It would appear to me that the missing ingredient is the will of the Family Court judges to assist by carrying out their responsibilities." Certainly the willingness—or unwillingness—of the judges to fulfill their responsibilities in the child support program is a major factor influencing the effectiveness of the program.

[7]Judge Roache's comments are in quotes; mine are not, though both are quoted from the memorandum.

WHY JUDGES DON'T COOPERATE

I have quoted my memorandum of discussion with Judge Roache at length because his attitudes and views, though not held by all Family Court judges, are typical of so many as to exercise a controlling influence on the outcome of the Title IV-D program in the city and state. There are in my view three major reasons why the judges behave as they do with respect to the child support obligation.

First, to the extent that the law permits, judges jealously guard the prerogative of judicial discretion. While Family Court judges are aware of the extraordinary variation in the value of the support orders issued in seemingly similar circumstances, they defend the practice on the grounds that only the judge can make a correct appraisal of the individual circumstances in each case. In brief, each judge tends to regard himself in the image of Solomon. Limits to his discretion are considered not only as a diminution of his power and authority but demeaning to his status.

Second, the politics of judicial appointment in both city and state, where a liberal, humanitarian tradition has generally prevailed, whether under Democratic or Republican administrations, has meant the appointment, by and large, of persons of liberal persuasion to the Family Court as well as to other courts. Exception can hardly be taken to that. The difficulty lies on how the liberal tradition has been interpreted in the public assistance and child support programs. We see again an overreaction to past and existing discrimination against minorities, against blacks particularly, materializing in an uncritical acceptance of what are supposed to be facts but are not, in lower expectations with regard to parental responsibility among low-income families, and a general sense that a little extra income redistribution, over and above legislative intent, is not such a bad idea in an insufficiently just society.

Third, one cannot ignore the politics involved in the appointment of blacks and hispanics to the judiciary. This is not to say that adequate representation of minorities in the judiciary is not an essential element of a just society, and indeed that such representation was not long overdue. Rather, it is to say that those who have the necessary political clout, along with the substantive credentials to obtain the appointments and reappointments, are likely to carry with them the whole ideological baggage of the activist minority community. They stress discrimination and poverty and the obligation of the white community to redress grievances, to the virtual exclusion of any recognition of the advances which blacks have made in education, jobs, and income, or of the obligations which rest on the members of any community to fulfill their responsibilities to the extent possible. Mayor Koch, who has not been exactly restrained in his public criticism of judges in the criminal as well as the Family Court, reappointed Judge Roache when his term expired in 1980. Such was the political reality. I must add that what I have said with respect to the appointment of black and hispanic judges applies in substantial measure to white judges as well; many of them carry the same ideological baggage. But there is more diversity of views among the white political leadership and among white judges.

Neither my memorandum nor the Mayor's letter to Judge Ross had much effect. The attitude and actions of many of the Family Court judges continued to be hostile toward the program, as reflected in their responses to the two major matters which control the outcome of the effort to achieve child support from absent fathers: the level of support payments, and the methods used to enforce the support obligation ordered by the Court. It was through its resistance to the administrative tools provided in state legislation or Department of Social Service Administrative Directives that the court impeded the implementation of the policy enacted in the child support program.

In an effort to deal with the wide variation in and generally low level of support payments ordered by Family Court judges, New York State Department of Social Services in 1976 issued a revised standard for such payments. It was reasonably generous to the absent father in that it allowed him to retain at least sufficient income to maintain the Bureau of Labor Statistics (BLS) lower standard of living ($14,393 for a family of four in autumn 1980 prices) and took only a graduated portion of the excess income above the BLS level. It was anticipated that, although not mandatory, it would be widely accepted and utilized by Family Court judges. It was not; court-ordered support payments averaged only 54.3 percent of the state standard in October 1977.[8] A revision of the formula in 1978 to give the judges greater flexibility also had no success in raising the level of court-ordered support payments; the judges set the payment at the lower end of the formula range. Judicial discretion reigns supreme, and as it is exercised in many areas of the country, but particularly in New York City, it reflects a reluctance to impose any significant burden on the absent father to support his children and little interest in reducing the burden on the public treasury represented by the AFDC program.

An enormous administrative effort goes into locating the father, preparing for hearings before a hearing officer and the judge, and finally obtaining the court-ordered support payment, low as it may be. The effort is all for naught, however, if the order is not enforced. It was a major problem; in the third quarter of 1977, payments were not obtained on almost two-thirds of the court orders issued in the city. The most effective tool for insuring payments is an automatic payroll deduction order whereby the sum deducted is paid directly to the Bureau of Child Support. Without it, enormous staff time is consumed in going back to court when payments have not been made. Further, arrearages build up and repayment becomes more difficult, if not impossible. The system has been used with considerable success in Michigan and Massachusetts, but Family Court judges in New York were extremely reluctant to issue such orders.

The Legislature responded to this problem by requiring that support orders issued after January 1, 1979 provide for an automatic payroll deduction order in the event of failure of the respondent to keep up with his payments, and in 1979 the state made it illegal for an employer to dismiss an employee because of the imposition of such an order.

It was only a month after the law became effective that I found it necessary to inform the Mayor that "after four weeks of observation, I am distressed to advise you that most of the Family Court judges have decided not to issue this order stating on the record that the law is unconstitutional."

[8] Data prepared by Bureau of Child Support, N.Y.C. Human Resources Administration.

HRA again had to return to the Court to request a payroll deduction order in the event of non-payment. Only after HRA instituted appeals and won in the Appellate Divisions in both Manhattan and Brooklyn would Family Court judges in all boroughs permit an automatic payroll deduction order. Thus, full implementation did not begin until August 1980, some 20 months after the law was supposed to become effective.

WHAT HAPPENED TO SUPPORT COLLECTIONS

One may ask whether it made much difference what the leaders of the social welfare community in New York thought and said and what the Family Court judges generally thought and did. Has the record of collections of support payments in the city over the five year period since Title IV-D came into effect in August 1975 been any worse than in the rest of the country? The answer is yes, it did make a difference, and yes, the city's record is worse—much worse.

In the country as a whole, collections on behalf of AFDC families more than doubled between 1976 and 1978, increasing from $203.6 million to $471.6 million. A further increase of 16.1 percent occurred between 1978 and 1979 and an additional 10 percent rise was achieved in 1980 when total collections reached $602.3 million. During the same five-year period, collections on behalf of non-AFDC families almost tripled, rising from $308.1 million to $871 million. Collections on behalf of AFDC and non-AFDC families exceeded expenditures by more than three-to-one. In New York City, collections during the same five year period have only increased about 4 to 5 percent per year and still do not exceed total expenditures, although, because of the formula for the distribution of collections among the three levels of government, the New York City treasury still benefits.

TABLE I.—*Percent of Total Title IV-D Cases With Child Support Collections, Fiscal Year 1980* [1]

All States Reporting	10.8
Massachusetts	42.6
Connecticut	32.0
Michigan	22.8
Pennsylvania	15.6
New Jersey	12.4
California	9.5
Ohio	8.8
Illinois	7.8
New York	7.8

[1] Source: U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Enforcement Statistics*, May 1981, Table 14.

It can be unfair to compare New York State and certainly New York City with the country as a whole; the more appropriate comparison is with the other highly urbanized, industrial states. In this case, New York fares even worse, as Table I indicates. It seems New York State collects from only about one-sixth as many cases proportionately as does Massachusetts, a quarter as many as Connecticut, and a third as many as Michigan. The New York City ratio is at the appallingly low level of 3.7 percent.

TABLE II.—*Child Support Collections as Percentage of AFDC Payments Fiscal Year 1980* [1]

All States Reporting	5.2
Michigan	8.0
Connecticut	7.0
Massachusetts	6.3
New Jersey	6.1
Ohio	4.8
California	4.6

Pennsylvania	4.6
New York	3.4
Illinois	1.6

[1] Source: U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Report*, Vol. III, No. 4, April, 1981, p. 7.

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In terms of collections as a proportion of AFDC payments, New York State is the second lowest and New York City is lower still, with less than 2 percent. Michigan has the best record in terms of the proportion of AFDC expenditures recouped through support payments, even though it has one of the higher welfare standards in the country and was, in 1980, in a deep recession with an unemployment rate of about 16 percent. (See Table II.)

Massachusetts and Michigan also lead in terms of ratio of dollars of AFDC child support collections to each dollar of AFDC expenditures for the Title IV-D program, with figures of $3.80 and $3.54 respectively. New York State is at the bottom of the list, collecting only 98 cents for each dollar of expenditures,[9] and this because of New York City which has obtained only 54 cents per dollar of expenditures.[10]

On any index one may choose to compare New York City with other urban areas, the city's record is dismal. Its only competitor for low man on the totem pole is Illinois, influenced mainly by Chicago. Are there lessons to be learned from other states? Are we bereft of means to improve the effectiveness of the program in the city to bring it in line with the achievements in Detroit or Boston, or at least Philadelphia?

FOR THE CHILDREN'S SAKE

Michigan is frequently cited for its superior achievement in the child support program. Among the factors which explain its success, one which has relevance to New York, is that the program has the support of the unions—more particularly of the union in Michigan, the automobile workers. Major auto manufacturers and the unions cooperate with the program to ensure enforcement, with wide use being made of the payroll deduction order.

The Michigan experience suggests that a strong effort should be made in New York by the Governor's and Mayor's offices, as well as by state and local social services officials, to enlist the aid of the unions in promoting the child supports program among their members. New York is not like Detroit where one union predominates, but five or six, especially if they included District Council 37 (the municipal workers union), would cover a substantial segment of the city's union membership. The unions could influence their own members who should be making support payments and could create a general climate in which it is taken as given that parents have an obligation to support their children, if able to do so.

But the Michigan experience makes it clear that unless we change the attitude of a large majority of the Family Court judges, we cannot expect much improvement in the effectiveness of the child support program. Basically, progress can be made only through the political process, and in New York City that means the Mayor. As indicated earlier, Mayor Koch has not been sparing in his criticism of Family Court judges in child support cases, but he has not always followed through when it came to appointments and reappointments. He needs to do so and trust that the public which elected him will not withdraw its support if he refuses reappointment to judges who do not share the legislatively established principle that fathers have an obligation to support their children.

Federal officials involved with the child support program, also concerned over the low level of the court-ordered support payments, have recently inaugurated an effort through the Judicial College to raise judicial understanding of the problem. The size of the effort is such, however, that even if successful, it will take many years to permeate the nation's family courts. The more expeditious method would be for Congress to mandate that each state develop an appropriate support formula for use in its courts and for the states to mandate that judges use that formula in determining the support payment. In sum, judicial discretion needs to be very substantially narrowed with respect to the level of support.

New York State has now mandated a variety of procedures to facilitate the court process through provision for mail service of the summons, establishment of hearing officer panels to reduce the burden on the judges, and means to improve enforcement, through automatic payroll deductions, limitation on the cancellation of arrearages, and a variety of other detailed procedures. But there must still be the will to make it work among those involved in implementation of the program if it is to work well, and that requires informed and vigorous public support for the effort. It is a subject which the city's major newspapers should cover at least as intensively as they cover the public assistance and food stamp programs, and yet they rarely do so.

The leaders of the social welfare community have been successful in creating a climate of opinion unfavorable to the child support program among those who have a significant role to play in its implementation: the judiciary and the large body of workers in HRA who do the daily work of interviewing clients and absent fathers and handling the details of the cases as they go through the court process. They should not be left unchallenged. The problem has not been high on the agenda of other civic groups in the city. It is time that they took it up. It is an issue which ought to be of concern to the major women's groups. They have forced the child support program on the national level but do not appear to have devoted their attention to the implementation of the programs at the state or local level. It could be useful if they took up the cudgels for an effective program in New York as well as in other major cities. The stakes are high, not only in potential savings of public funds, but more importantly for its potential as a deterrent to family breakup and its deleterious consequences for the children involved.●

[9] Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Report*, June 1981, p. 7.

[10] N.Y.C. figure obtained from tables made available by HRA, Bureau of Child Support.

WHAT SORT OF DESPOTISM DEMOCRATIC NATIONS HAVE TO FEAR

● Mr. ARMSTRONG. Mr. President, during the early 19th century, the French writer Alexis de Tocqueville spent a great deal of time in this young country and published, in "Democracy in America," one of the most insightful, prophetic, and far-reaching accounts of democracy ever written.

Many of the Tocqueville writings are more relevant today, if possible, than when he wrote them. At a time when we are confronting deep economic problems, I am amazed that this writer was able to predict better nearly 150 years ago what would happen if Government spending and regulation was unchecked, than our own leaders have been able to do in the past 20 years.

In chapter 6 of "Democracy in America," the point is made that the overregulation of society provides an intangible, almost invisible threat to our liberty that can be as dangerous as absolute tyranny. Government "does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits action; it does not destroy anything, but prevents much from being born * * *."

Surely these words shed a remarkable beam of light on the current drop in the productivity of the American people. Every Senator and Congressman, indeed every American citizen, should seriously consider this concern as we think of adding to the regulatory burden of Government. I ask that the chapter be printed in the RECORD.

The material follows:

CHAPTER 6: WHAT SORT OF DESPOTISM DEMOCRATIC NATIONS HAVE TO FEAR

Taking into consideration the trivial nature of men's passions now, the softness of their mores, the extent of their education, the purity of their religion, their steady habits of patient work, and the restraint which they all show in the indulgence of both their vices and their virtues, I do not expect their leaders to be tyrants, but rather schoolmasters. (See Appendix I, AA.)

Thus I think that the type of oppression which threatens democracies is different from anything there has ever been in the world before. Our contemporaries will find no prototype of it in their memories. I have myself vainly searched for a word which will exactly express the whole of the conception I have formed. Such old words as "despotism" and "tyranny" do not fit. The thing is new, and as I cannot find a word for it, I must try to define it.

I am trying to imagine under what novel features despotism may appear in the world. In the first place, I see an innumerable multitude of men, alike and equal, constantly circling around in pursuit of the petty and banal pleasures with which they glut their souls. Each one of them, withdrawn into himself, is almost unaware of the fate of the rest. Mankind, for him, consists in his children and his personal friends. As for the rest of his fellow citizens, they are near enough, but he does not notice them. He touches them but feels nothing. He exists in and for himself, and though he still may have a family, one can at least say that he has not got a fatherland.

Over this kind of men stands an immense, protective power which is alone responsible for securing their enjoyment and watching over their fate. That power is absolute, thoughtful of detail, orderly, provident, and gentle. It would resemble parental authority

if, fatherlike, it tried to prepare its charges for a man's life, but on the contrary, it only tries to keep them in perpetual childhood. It likes to see the citizens enjoy themselves, provided that they think of nothing but enjoyment. It gladly works for their happiness but wants to be sole agent and judge of it. It provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, makes rules for their testaments, and divides their inheritances. Why should it not entirely relieve them from the trouble of thinking and all the cares of living?

Thus it daily makes the exercise of free choice less useful and rarer, restricts the activity of free will within a narrower compass, and little by little robs each citizen of the proper use of his own faculties. Equality has prepared men for all this, predisposing them to endure it and often even regard it as beneficial.

Having thus taken each citizen in turn in its powerful grasp and shaped him to its will, government then extends its embrace to include the whole of society. It covers the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd. It does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits, action; it does not destroy anything, but prevents much being born; it is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a flock of timid and hardworking animals with the governnment as its shepherd.

I have always thought that this brand of orderly, gentle, peaceful slavery which I have just described could be combined, more easily than is generally supposed, with some of the external forms of freedom, and that there is a possibility of its getting itself established even under the shadow of the sovereignty of the people.

Our contemporaries are ever a prey to two conflicting passions; they feel the need of guidance, and they long to stay free. Unable to wipe out these two contradictory instincts, they try to satisfy them both together. Their imagination conceives a government which is unitary, protective, and all-powerful, but elected by the people. Centralization is combined with the sovereignty of the people. That gives them a chance to relax. They console themselves for being under schoolmasters by thinking that they have chosen them themselves. Each individual lets them put the collar on, for he sees that it is not a person, or a class of persons, but society itself which holds the end of the chain.

Under this system the citizens quit their state of dependence just long enough to choose their masters and then fall back into it.●

FORMER SENATOR JACOB JAVITS

Mr. PERCY. Mr. President, on a day of joy for our distinguished colleague from West Virginia—and we all join in congratulations—is a day of great sadness that we learned of the death of our distinguished former colleague from New Jersey.

I also know we were all shocked Saturday morning to hear that former Senator from New York had been taken by ambulance to St. Mary's Hospital in West Palm Beach, Fla.

I visited with Senator Javits yesterday. He was unable to talk. He is having considerable difficulty in breathing, but is putting up a valiant fight against the great difficulties that he has experienced. We all have a great affection and love for him.

I know that a note from our colleagues to Senator Javits in St. Mary's Hospital in West Palm Beach, Fla., would be deeply appreciated.

ILLINOIS BUSINESS SURVEY ON ECONOMIC RECOVERY PROGRAM

Mr. PERCY. Mr. President, the Illinois State Chamber of Commerce along with Sentry Insurance recently conducted a survey of Illinois business leaders on their attitudes toward the Economic Recovery Tax Act of 1981. The survey included questions about what each business leader believes will be the economic impact of this omnibus tax cut legislation. It also included specific questions about what each business intends to do in the way of investment, expansion, and plant modernization. Four hundred and fifty businesses of all shapes and sizes responded to the survey, and the results are both impressive and encouraging. They support the contention I have long held, that given the proper incentives for savings and investment, we will witness an explosion of economic creativity and growth that will get our economy on the move again.

Mr. President, Illinois is a keystone of industrial activity and business acumen in this country. I was therefore not surprised to learn that business leaders from all over Illinois believe that last year's tax cut legislation will lead to industrial recovery and increased productivity. Over half of those who responded to the survey expect their own businesses to generate more capital as a direct result of the tax cut, and four-fifths predict increased capital investment in the Illinois economy. Overall, business and industrial executives have high expectations that President Reagan's economic recovery program will have a favorable impact on their own businesses, the Illinois economy and on U.S. industrial recovery.

As the Members of this body know well, I have been a strong supporter of the President's economic program, and argue strongly that it would be unwise and even counterproductive to undo the incentives that have been put in place for economic recovery. I believe this point of view is supported fully by the results of this survey completed recently by the Illinois Chamber of Commerce and Sentry Insurance. As an example, over three-fourths of the business leaders interviewed stated that the capital cost recovery provisions of last year's tax cut would have a positive effect on their own business. I supported the adoption of accelerated depreciation schedules during the 96th Congress, and believe they are a crucial portion of the economic recovery program enacted last year.

Nearly a third of the respondents to this survey reported that they plan to invest in plant modernization and 29 percent in new plant. Many provide specific dollar estimates which project to nearly $2 billion in new or modernized plant within the next year.

The Illinois State Chamber of Commerce and Sentry Insurance have provided a great service in undertaking this survey. The results indicate clearly that Illinois business and industrial leaders believe strongly in the economic potency of President Reagan's tax and budget reductions, and are ready to act in a way that will lead this Nation out of its economic slump. I am confident that this is true all across this country, and believe we are fortunate to have an economic recovery program in place that will spur economic growth and productivity.

Mr. President, I ask unanimous consent that the results of this survey be printed in the RECORD at this point.

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

A BUSINESS STUDY—BY THE ILLINOIS STATE CHAMBER OF COMMERCE AND SENTRY INSURANCE

ILLINOIS BUSINESS SPEAKS: RESPONSE TO THE REAGAN ECONOMIC RECOVERY PROGRAM

Survey results

Components of Tax Relief Program Rated by Member Companies

Question 1: Considering the components of the Reagan tax relief program enacted in August, which will have the greatest effect on your company? Designate 1st, 2nd, etc. for any that apply.

[In percent]

	Rate No. 1	Rate No. 2	Rate No. 3	No effect
Capital cost recovery—accelerated depreciation (15–10–5–3)	50	15	12	23
Small business provisions (for example, cuts in corporate rates to $50,000, accumulated earnings credit, sub-S changes, LIFO changes)	13	15	17	55
Savings and investment incentives (Keogh, IRA, all-savers, interest exclusion, dividend reinvestment changes)	8	10	21	61
Individual rate cuts (5–10–10) and indexing	7	16	22	55

	Rate No. 1	Rate No. 2	Rate No. 3	No effect
Estate and gift tax changes	7	9	22	62
Research and development tax credits	4	15	15	66
Other individual provisions (for example, reducing marriage penalty, lower maximum rates, lower capital gains rates, exclusion of foreign-earned incomes, etc.)	2	10	19	69
None will have any significant effect	1			
No first place selection	8			

Capital cost recovery under accelerated depreciation is by far the most important feature of the Reagan Economic Recovery Program, as anticipated by responding members of the Illinois State Chamber of Commerce.

Exactly half of the responding members rate capital cost recovery as the number one item in terms of effect on their own companies, and an additional 27 percent say this will have some effect, although rating it lower than number one. Only 23 percent fail to select this feature of the tax program as having an effect on their companies.

None of the other components show strongly as a clear "second place;" other features of the program are designated by less than half as having any effect on their particular companies.

Nine in every ten responding Illinois companies, however, expect to be affected by some of the tax programs. Only 1 percent answered that "None will have any significant effect," and another 8 percent simply fail to make any first place selection. Some of the latter checkmarked two or more items without specifying any of them as "number one."

Direct Versus Indirect Tax Relief

Question 2: Some of the items in Question 1 represent direct tax relief to business (Capital cost recovery; Small business provisions; Research and development tax credits); others are indirect (Savings and investment incentives; Individual rate cuts; Estate and gift tax changes; Other individual provisions) through tax relief to individuals. Which do you expect will have the greatest impact on your company?

	Percent
Direct tax relief	50
Indirect relief	21
Both equally	16
No opinion	8
No answer	5

Fully half of the responding companies indicate that the direct tax relief to business will have the greatest impact on their particular companies, while another 21 percent specify that the indirect measures will have more impact, and a substantial number (16 percent) say that both will have about equal impact.

There are considerable differences in the responses of different types of companies, however. For example, among manufacturing companies, there is a margin of 69 percent to 8 percent indicating that the direct tax relief will have the main impact. On the other hand, among the insurance and financial institutions, the margin is 57 percent to 22 percent that the indirect tax relief will be more important. Among the other types of business, direct relief is stressed, but by a much smaller margin than was the case for the manufacturing firms.

There is also considerable difference between the replies by regular corporations and those organized in some other manner. Answers by corporations stress the direct tax relief by a margin of 3 to 1, but there is a roughly even division of opinion among those companies that are organized as something other than a regular corporation.

Specific Impact on Respondent Companies

Question 3: What will be the specific impact on your company of the Reagan Tax Plan, within the next 24 months? Check any that apply.

	Percent
Positive effects:	
More internal generation of capital	52
Greater productivity	36
More employment	34
Plant modernization	31
Investment in new plant	29
Increased new product development	28
More research	19
Higher dividends to shareholders	18
Lower prices to customers	15
Lower costs including wages	11
Negative effects:	
Higher prices to customers	10
Higher costs including wages	9
Lower employment	3
More reliance on bonds and debt capital	2
Lower dividends to shareholders	2
Lower productivity	2
Other answers:	
More reliance on equity financing	7
Miscellaneous other answers	6
No answer	10

This question was in the form of a check list, with 17 possible impacts listed and a place for respondents to write in any other anticipated impact.

The only item receiving majority agreement was more internal generation of capital, designated by 52 percent of the responding companies. This was followed by greater productivity, more employment, plant modernization, investment in new plant and increased new product development, with answers ranging from 36 percent down to 28 percent anticipating each of these effects.

Other positive effects anticipated include more research, higher dividends, lower prices and lower costs.

Negative impacts anticipated include 10 percent expecting higher prices to customers and 9 percent higher costs including wages, with an aggregate of 9 percent anticipating other negative effects.

The total responses indicating various positive effects total 273 percent, compared with only 28 percent identifying anticipated negative effects. This is nearly a 10 to 1 ratio of positive anticipation. Answers that cannot be classified as either positive or negative (more reliance on equity financing, miscellaneous answers, and no answers given) amount to only 23 percent.

A total of 31 percent of the responding companies indicated that plant modernization during the next 24 months would be one of the anticipated results of the tax changes. Respondents giving that answer were asked to indicate the estimated dollar amount. The total of 136 companies planning plant modernization included 89 that specified a dollar amount and 47 that did not. The amounts specified were in a wide range, and projected to the total ISCC membership would amount to nearly $1.2 billion. This figure is probably conservative because it does not include any dollar estimates from about one-third of the responding companies that do expect plant modernization. It is also very conservative as related to the entire state of Illinois because there are many companies that are not members of the ISCC, particularly smaller firms.

Similarly, 29 percent of the responding companies expect to invest in new plant. The dollar amounts specified by 74 of these companies, when projected to the entire membership, represent more than $680 million of investment in new plant. Again, this figure is conservative, for the same reasons cited in connection with plant modernization.

Finally, those companies anticipating more employment amount to 34 percent of the responding sample, while only 3 percent anticipate less employment. Those giving specific replies as to the number of additional (or reduced) employees, project to a total of more than 68,000 new jobs. This figure is conservative in the same sense as the dollar figures just quoted, but it may also contain an element of overstatement, since it does not reflect any adjustment for changes of employment. In other words, some of these anticipated jobs might be offset by reduced employment in other companies whose employees left to take some of these jobs.

Anticipated Effects on the Economy of Illinois

Question 4: What effect do you think the Reagan tax package will have on the economy in Illinois?

	Percent
Inflation:	
Less inflation	72
More inflation	9
No change	15
No answer	4
Employment:	
Higher employment	62
Lower employment	16
No change	17
No answer	5
Savings (industry):	
More savings into industry	67
Less savings into industry	3
No change	23
No answer	7
Savings (housing):	
More savings into housing	62
Less savings into housing	4
No change	23
No answer	11
Productivity:	
More productivity	61
Lower productivity	3
No change	26
No answer	10
Capital investment:	
Higher capital investment	83
Lower capital investment	3
No change	7
No answer	6
Poverty:	
Reduced poverty	36
Increased poverty	13
No change	42
No answer	9
Dependence on OPEC and similar foreign influences:	
Less dependence	45
Greater dependence	3
No change	42
No answer	10

Competitiveness in foreign markets:	
Greater competitiveness	58
Less competitiveness	7
No change	23
No answer	12
Interest rates:	
Lower interest rates	69
Higher interest rates	9
No change	14
No answer	89

This question requested answers on each of ten types of economic results. In contrast to the preceding questions, responses were directed to the expectation of the Reagan tax package impacting the economy of Illinois, not the individual responding company.

Positive rather than negative effects are anticipated on all ten of these categories, by varing margins. On eight of the ten subjects, there is a majority consensus. These ten subjects are compared in the condensed summary below.

[In percent]

Subject	Positive	Negative	No change/ no answers
Capital investment	83	3	13
Inflation	72	9	19
Interest rates	69	9	22
Savings flow into industry	67	3	30
Savings flow into housing	62	4	34
Employment	62	16	22
Productivity	61	3	36
Competitiveness in foreign markets	58	7	35
Dependence on OPEC and similar foreign influences	45	3	52
Poverty	36	13	51

Expected Results From Higher Take-home Pay for Most Individual Wage Earners

Question 5: Take-home pay will automatically increase for most individual wage earners. This is the cornerstone of the Reagan supply-side economic plan. Specifically, which (if any) of the following do you expect will result from these gradual increases in take-home pay? (Check any that fit.)

	Percent
Positive effects:	
Increased demand for goods and services	68
General industrial recovery	66
More consumer savings will channel money into housing	62
Lower interest rates	54
Lower rates of inflation	52
More consumer savings will channel money into industry	52
Easier negotiations	28
Less consumer debt	24
Negative effects:	
Tougher negotiations as new wage and benefit contracts come up for renewal	23
Higher rates of inflation	8
Higher interest rates	7
Scarcity of goods and services	2
No answer	2

Expectations are again quite positive. Majorities ranging from 68 percent down to 52 percent expect increased demand, general industrial recovery, more consumer savings channeled into both housing and industry, lower interest rates and lower rates of inflation. Very few anticipate the opposites of any of these results, for example only 8 percent predict higher inflation, only 7 percent predict higher interest rates, and only 2 percent think that demand will lead to a scarcity of goods and services.

There is less of a consensus in regard to the effect on negotiations. While 28 percent say negotiations will be easier, 23 percent think that negotiations will become tougher as new wage and benefit contracts come up for renewal.

Apparently there is also expectation of continued high consumer debt, since only 24 percent designate "less consumer debt" as one of the results they expect from higher take-home pay.

Expectation as to Federal Budget Deficits Over the Next 3 to 5 Years

Question 6: Considering both the Reagan tax program and the projected spending cuts, what trend in federal budget deficits do you expect, over the next 3 to 5 years?

	Percent
Some deficit but less than now	60
About the same as now	16
Increasing deficits	10
A balanced budget	10
No answer	4

Very few take an extreme position in their responses to this question. On the one hand, only 10 percent anticipate a balanced budget, and only 10 percent expect federal deficits to increase. By far the largest number anticipate that there will be continuing deficits, but smaller than at the present. That reply is given by a clear majority of 60 percent. Another 16 percent expect the deficits to be the same as at the present.

Considering that this has been a very controversial subject, it is surprising that only 4 percent do not offer a prediction of one kind or another.

Inpact of Federal Budget Cuts on State and Local Government

Question 7: Federal budget cuts are predicted to gradually put the squeeze on state and local governments, as Federal funding of various programs is cut back or eliminated entirely. How do you expect this to impact state and local government? (Some gave more than one answer.)

	Percent
Many of the federally-supported social programs will simply disappear	58
Federal spending will be replaced with higher state and local spending, financed by higher state and local taxes	54
Block grants will take up most of the slack, with state and local governments allocating the money more efficiently	27
Political reaction will force the U.S. Congress to restore most of the federal budget cuts in the area of social services (health, education, welfare, and elderly)	17
Miscellaneous other answers	10
No answer	4

The four suggested answers were not mutually exclusive, and many executives checked a combination of answers.

If there is a concensus it is that many of the federally-supported social programs will simply disappear, but that federal spending will be replaced with higher state and local spending, financed by higher state and local taxes. These options were designated by 58 percent and 54 percent respectively, with many respondents checking both.

The next most common viewpoint is that block grants will take up most of the slack, with state and local governments allocating money more efficiently. That is the view of 27 percent.

Only 17 percent selected the option that political reaction would force the U.S. Congress to restore most of the budget cuts in the area of social services.

Expectation of Further Tax Cuts or Simplification of Tax Structure

Question 8: The new tax laws are effective at various dates—some immediately, some as far away as 1985 or 1986. Looking even further down the road, do you expect:

	Percent
Further reduction of top individual tax rates:	
Yes, expect further reduction	18
No	58
Not sure	19
No answer	5
If yes, to what maximum level (18 percent asked):	
50 to 59 percent maximum level	(1)
40 to 49 percent maximum level	4
30 to 39 percent maximum level	1
20 to 29 percent maximum level	1
No answer	12
Reduction in corporate rates:	
Yes, expect further reduction	21
No	54
Not sure	19
No answer	6
If yes, to what maximum level (21 percent asked):	
40 to 49 percent maximum level	5
30 to 39 percent maximum level	2
20 to 29 percent maximum level	1
10 to 19 percent maximum level	(1)
No answer	13
Simplification of tax structure, such as phase out of various exemptions or loopholes:	
Yes, expect simplification of tax structure	43
No	23
Not sure	27
No answer	7
If yes, which exemptions (43 percent asked):	
Tax shelters, executive "perks," things for special interests	3.5
Interest deductions	3.3
Other itemized deductions	1.5
Single tax structure, no deductions	1.3
Restriction on depreciation	0.8
Tax-free municipal or industrial revenue bonds	0.6
Nonspecific exemptions	1.7
Miscellaneous other exemptions	2.2
No answer	30.3

[1] Less than ½ of 1 percent.

Relatively few expect further reduction in tax rates, either the top individual rate (18 percent) or the corporate rate (21 percent). There is somewhat more expectation, however, that there will be simplification of the tax structure to phase out some of the exemptions or loophoes, with 43 percent anticipating that this will happen.

In regard to further reduction of individual or corporate tax rates, most of those saying they expect this to happen are nonspecific as to the maximum level that might remain after such reduction.

Answers about the future tax structure also tend to be nonspecific, with various individuals mentioning such things as tax shelters, limiting interest deduction, other itemized deductions, a single tax, etc.

Rating of America's Economic Future Between Now and the Year 2001

Question 9: On a scale of 1 to 10, how would you rate America's economic future between now and the year 2001? (10=very good and 1=very poor)

	Percent
10	7.1
9	3.7
8	26.0
7	22.2
6	14.0
5	14.0
4	6.2
3	1.5
2	0.4
1	0.8
No answer	3.7

In this question, survey respondents were asked to rate America's economic future on a scale of 1 through 10, with 1 defined as very poor and 10 as very good.

Most ratings fall between 5 and 8. Only about 11 percent give ratings of either 9 or 10, and only about 9 percent give ratings of 4 or less. The median rating is 7.

For purposes of analysis, these have been grouped in three clusters with a rating of 8 through 10 considered to be optimistic, 1 through 5 pessimistic, and a 6 or 7 an essentially neutral rating. On this basis, the most optimistic group is made up of CEOs, those in insurance and financial institutions, and those in companies with between 100 and 200 employees. In each of these groups, 41 percent rate as optimists.

At the other end of the scale, groups in which the largest numbers have a pessimistic outlook include organizations other than regular corporations (32 percent are pessimistic) companies with 25 or fewer employees (also 32 percent) and those with between 100 and 200 employees (30 percent).

APPENDIX A

METHODOLOGY

This report is based on replies by 450 members of the Illinois State Chamber of Commerce.

Questionnaires were mailed on October 9, 1981 to 1,393 members of ISCC. This included 100 percent coverage of members with 500 or more employees, and a 20 percent random sampling of members with fewer employees. A duplicate questionnaire, with a reminder letter, was mailed on October 23, 1981. Cutoff date for returns was November 10, 1981. Response was as follows:

	Number mailed	Number of replies	Percent response
Over 500 employees	414	126	30.4
Under 500 employees	979	324	33.1
Total members	1,393	450	32.3

A description of the survey respondents, in terms of type of business, size, etc. follows. Several of those completing the questionnaire apparently overlooked the last page which contained the classifying data, and a few others omitted one item or another, hence the "unknown" number in each grouping.

In the "Survey Results" percentages will not always equal 100 percent, for several reasons: (a) due to rounding, they may total 99 percent or 101 percent; (b) some questions permitted multiple answers; (c) sometimes two or more related items are grouped in a table, for which respondents may have checked both or neither.

SURVEY SAMPLE

Type of business or industry:[1] 196—manufacturing; 48—retail; 42—wholesale, distributive; 49—financial, insurance; 6—electric, gas, or telephone utility; 15—transportation; 17—printing and publishing; 94—miscellaneous other service; and 18—unknown.

Questionnaire completed by: 253—CEO, president, chairman, partner; 61—vice president; 78—treasurer, other financial executive; 39—miscellaneous other; and 19—unknown.

Approximate number of full-time employees in Illinois: 87—25 or fewer; 135—26 to 100; 46—101 to 200; 38—201 to 500; 47—501 to 1000; 79—over 1000; and 18—unknown.

Is your company: 376—corporation; 10—proprietorship; 13—partnership; 14—Sub-S Corporation; and 37—unknown.

[1] Some checked more than one category.

RAILROAD RETIREMENT BOARD

Mr. BURDICK. Mr. President, I join my distinguished colleague from Ohio (Mr. METZENBAUM) in sponsoring this resolution. This administration seems bent on proving that it has no regard for the rights of working people who have toiled all their lives in order to assure themselves retirement with security and dignity. Last year it was social security recipients who were the target of proposed cuts in basic retirement benefits. Now the administration wants to eliminate the Railroad Retirement Board and the special services it provides to railroad employees, as well as reduce the Federal Government's contribution to the so-called windfall benefits account. The Senate overwhelmingly rejected the sudden and drastic reductions proposed for social security, and I urge my colleagues to oppose the dismantling of the Railroad Retirement Board with equal determination.

The administration's fiscal 1983 budget calls for the staff of the Railroad Retirement Board to be reduced by the equivalent of 143 full-time positions. This would result in the closing of most of the Board's 77 district offices around the country. According to the Office of Management and Budget, these offices can be replaced by a toll-free telephone line into the Board's headquarters in Chicago.

To my mind, such a personnel reduction would be totally unfair and counterproductive. First, the Board's administrative costs are fully funded by taxes paid by railroad management and railroad employees. The Federal Government provides no money toward the administration of the Railroad Retirement System, and should not be dictating the level of services provided by that System. Second, elimination of the field offices will result in more waste and fraud, not more efficiency. The personnel in these offices investigate and verify claims for retirement, unemployment and sickness benefits. If all claims go straight to Chicago, many more of them will be approved automatically because there will not be sufficient staff to determine the merits of each claim.

I am also very disturbed by the administration's fiscal 1983 request for only $350 million to fund the dual benefits retirement account. That account is currently funded at a level of $379.2 million, or approximately 85 percent of full funding. We should be moving toward 100 percent funding of dual benefits, not away from it. These windfall benefits were earned by railroad retirees in employment outside the railroad industry, and Congress pledged in 1974 to make sufficient annual appropriations to insure their payment.

But the adminstration's ultimate and most objectionable goal, as described in its 1983 budget report, is to entirely abolish the Railroad Retirement Board and redistribute its functions between the Social Security Administration, a private pension corporation, and State umemployment offices. The legislation necessary to accomplish these changes has not yet been submitted, and I think the Senate should use this resolution as a message to the administration that any such bill will receive a very hostile reception.

This proposal simply makes no sense at all. It results in no actual budget savings for the Federal Government. It would add 1.5 million railroad retirees, whose problems and needs are unique, to an already overburdened Social Security System. And most importantly, it would exempt current benefit obligations assumed by the new pension corporation from the Employee Retirement Income Security Act of 1974 (ERISA). This would leave railroad retirees without protection in the event that liabilities stemming from present obligations should exceed future revenues.

This is shabby treatment of the "rails" who have worked the Nation's railroads and have made them the foundation of our country's economic strength and diversity, and I do not think this Senate or the Congress will stand for it. I, for one, will do everything I can to prevent the elimination of the Railroad Retirement Board and uphold the Federal Government's commitments to railroad retirees. I urge all my colleagues to join me in this resolve.

JOINT REFERRAL—S. 1662

Mr. BAKER. Mr. President, this request, I believe, has been cleared on both sides.

Mr. President, I ask unanimous consent that Calendar No. 393, S. 1662, the National Nuclear Waste Policy Act of 1981, be referred to the Committee on Armed Services for the purpose of

permitting the committee to review the following provisions of the bill: section 202, section 203, and title VIII of the "Environment and Public Works" version of the bill; section 202 of the "Energy and Natural Resources" version of the bill; and the applicability of title VII of the "Energy and Natural Resources and Environment and Public Works" versions of the bill to a licensed repository or monitored, retrievable storage facility for radioactive waste from atomic energy defense activities.

I further ask unanimous consent that the Committee on Armed Services be obligated to report the bill by March 25, 1982, or be discharged from further consideration thereof.

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

WILLIAM ROCKEFELLER PROXMIRE

Mr. ROBERT C. BYRD. Mr. President, today, Senator PROXMIRE of Wisconsin became a proud grandfather to his third grandson—the first to bear his name. William Rockefeller Proxmire was born this morning—Monday, March 8, 1982—at approximately 9 a.m. The healthy young Proxmire weighed in at 7 pounds and 1 ounce at Georgetown University Hospital, and is the son of Ted and Barabara Proxmire.

Ted's father, the Senator, has estimated—if not predicted—that his grandson and namesake having been born today could be President of the United States of America in the year 2020.

We congratulate him on his optimism and on the arrival of his new grandson.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. THURMOND. Mr. President, I move, in accordance with the order previously entered, and pursuant to Senate Resolution 335, as a further mark of respect to the memory of the deceased Hon. Clifford P. Case, formerly a Senator from the State of New Jersey, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to unanimously; and, at 6:18 p.m., the Senate recessed until Tuesday, March 9, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1982:

FOREIGN SERVICE

The following-named Career Member of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, class of minister-counselor:

Ralph J. Edwards, of Alabama
John R. Eriksson, of Maryland

The following-named Career Member of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service to the class indicated, and for the other appointments as indicated:

Career Member of the Senior Foreign Service of the United States of America, class of Minister-Counselor, and a Consular Officer and a Secretary in the Diplomatic Service of the United States of America:

L. Michael Hager, of the District of Columbia

The following-named persons for appointment in the Foreign Service of the agencies indicated as Foreign Service Officers or Foreign Service Information Officer of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Anna Maria Anderson Lehel, of the District of Columbia

DEPARTMENT OF COMMERCE

George Frederick Ruffner, of Pennsylvania.

For appointment as Foreign Service Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

George Lee, of California.
Catherine Munnell Smith, of Connecticut.
Ruth A. Whiteside, of Texas.

DEPARTMENT OF COMMERCE

Robert John Marro, of New Jersey.

For appointment as a Foreign Service Information Office of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

INTERNATIONAL COMMUNICATION AGENCY

Lois E. Knoll, of California.

For appointment as Foreign Service Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Peter K. Augustine, of Texas.
Donna M. Blair, of Louisiana.
William Marcellus Butler, of Maryland.
James Philip Callahan, of Florida.
John Albert Cloud, Jr., of Virginia.
Brendan A. Hanniffy, of Florida.
Susan Rockwell Johnson, of New York.
Keith Loken, of California.
Eileen Anne Malloy, of Connecticut.
Gerard E. Marandino, of New York.
Kevin T. McConnell, of Virginia.
Olaf North Otto, of Virginia.
Suzanne P. Payne, of Ohio.
Carlos Pérez, of Pennsylvania.
Suella Pipal, of California.
Francis T. Scanlan, Jr., of Louisiana.
Joseph D. Stafford III, of Florida.
William Ross Tagliani, of Virginia.
Sharon Anderholm Wiener, of Ohio.
Herbert Yarvin, of California.

The following-named members of the Foreign Service of the Departments of State and Commerce, the Agency for International Development and the International Communication Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Joan B. Adrian, of the District of Columbia.
Kenneth E. Albright, of New Mexico.
Thomas M. Alexander, of Virginia.
Michael H. Anderson, of Minnesota.
Sheila M. Anderson, of Virginia.
David E. Appleton, of New Hampshire.
Pamela Corey Archer, of Virginia.
Diana Deverell Askman, of Maine.
Lon D. Augustenborg, of Virginia.
Sheldon E. Austin, of New York.
Carlos S. Bakota, of Indiana.
Jonathan H. Barber, of Virginia.
Douglas M. Barnes, of the District of Columbia.
Roberto Barrios, of Florida.
Mari L. Baumgarten, of Florida.
Steven W. Bay, of Nevada.
Frederick Claude Bayler, of Texas.
Robert L. Beckman, of New York.
Michael J. Boyle, of Wyoming.
Ruth E. Bright, of Florida.
Donald R. Brown, of Virginia.
Gayleatha B. Brown, of the District of Columbia.
John H. Brown, of the District of Columbia.
William Joseph Burns, of Pennsylvania.
Steven Allen Candy, of Michigan.
Jose Cao-Garcia, of Maryland.
Miriam Caravella, of Maryland.
Mary B. Carlin, of the District of Columbia.
Robin C. Carter, of Texas.
Will J. Carter, of the District of Columbia.
Lisa Ann Carty, of New Jersey.
Milton Lewis Charlton, of California.
Linda Carol Cheatham, of Texas.
Martin Chorich, of California.
Gordon F. Compton, of Virginia.
Edwin F. Cooke, of Virginia.
John A. Cord, of Virginia
Alan S. Costa, of Virginia.
David J. Creagan, of Ohio.
Carolyn R. Creatore, of the District of Columbia.
Henry A. Crumpton, of Virginia.
Chantal B. Dalton, of New Jersey.
Bernard F. D'Ambrosio, of Maryland.
Willene Daniels, of Florida.
Christopher J. Datta, of New Jersey.
Francis R. Daulong, of Virginia.
Nola Day, of Vermont.
Robert Scott Dean, of Minnesota.
John Frederick DeVleming, of Washington.
Suresh Kumar Dhir, of Maryland.
Joseph Hunter Downs II, of Virginia.
Darrel L. Dudley, of Virginia.
Robert F. Eaton, of Virginia.
William E. Edwards, of Florida.
James S. Elliott, of Tennessee.
Darrell Kevin Ellison, of New York.
Edward Ely, of Maryland.
Gregory W. Engle, of Colorado.
John T. Enkoji, of Virginia.
Juanita Y. Enkoji, of Virginia.
Richard C. Fagan, of the District of Columbia.
Cynthia J. Farrell, of New York.
Christian Filostrat, of Maryland.
Helena Kane Finn, of New York.
Robert T. Finneran, of New Hampshire.
Luis A. Fisher, of Virginia.
M. Anthony Fitchue, of the District of Columbia.
Deborah A. Fitzgerald, of Virginia.

Amelia Fitzjohn-Broderick, of Wisconsin.
James A. Forbes, of Virginia.
Audrey Annette Ford, of Michigan.
Max L. Friedersdorf, of Florida.
Mickey R. Frisby, of Oklahoma.
Karl H. Fritz, of the District of Columbia.
Michael P. Galbraith, of Ohio.
John C. Gannon, of Virginia.
Michael J. Ganski, of Virginia.
Elaine Lawson Garland, of Virginia.
Claude C. Gau, of Maryland.
Emmett George, of the District of Columbia.
Jeffrey T. Gersick, of California.
Julie Gianelloni, of Texas.
Grace Carolyn Gilinger, of Pennsylvania.
Scott E. Gilman, of Virginia.
Philip M. Giraldi, of New Jersey.
William M. E. Glass, of Virginia.
Edward M. Gomez, of North Carolina.
Marcia A. Grant, of the District of Columbia.
Malcolm H. Gray, of Maryland.
Jonathan Greenhill, of Virginia.
Jennifer A. Gregg, of Virginia.
Kathryn McPherson Gunning, of California.
Bill Allan Hadley, of Maryland.
Timothy D. Hadley, of Virginia.
Michael Hahn, of Virginia.
Peter H. Hanley, of Virginia.
Linda Kay Hardesty, of California.
Lisa S. Harper, of Maryland.
James Thomas Healy, Jr., of New York.
Karen Benucci Hendershot, of New Jersey.
Ann Lyman Henderson, of the District of Columbia.
Salomé Hernández, of California.
Margaret Doranne Higgins, of Arizona.
Joseph Hilliard, Jr., of Washington.
Willie J. Holmes, of the District of Columbia.
John A. Hols, Jr., of Virginia.
Earl H. Hopgood, of Maryland.
Richard L. Horne, of Massachusetts.
Michael H. Howland, of Virginia.
Peter J. Hussey, of Virginia.
Pete Kazuhiko Ito, of California.
William C. Jackson, of Delaware.
Morris E. Jacobs, of the District of Columbia.
Arlene R. Jacquette, of Rhode Island.
Frederick E. Janney, of Maryland.
Mary H. Johnson, of North Carolina.
Dotti Jones, of Texas.
William C. Jones, of Missouri.
Watt William Jordan III, of Virginia.
Michael Kalogeropoulos, of Virginia.
William D. Kane, of Virginia.
Karla D. Karnap, of Virginia.
M. Corinne Kearfott, of Virginia.
Inez G. Kerr, of Ohio.
Susan C. Kirkby, of Maryland.
Joseph V. Kirschner, of Virginia.
L. W. Koengeter, of Pennsylvania.
Stanley J. Konski, of Virginia.
George Albert Krol, of New Jersey.
Robert Laing, of Michigan.
James C. Lawler, of Virginia.
John J. LeBeau, of Virginia.
Mildred A. Leinweber, of Florida.
Hugo Llorens, of New York.
Efrain Lopez, of Virginia.
Benjamin M. Lowe, of Florida.
Robert Sanford Luke, of Florida.
Walter L. Mackey, of Maryland.
Carol A. Madison, of Ohio.
Michael B. Magnani, of Virginia.
David J. Manners, of Virginia.
Cheryl Ann Martin, of Connecticut.
James Edward Maxstadt, of Indiana.
Jean Baum McAlpine, of New York.
Deborah Ann McCarthy, of California.
Cynthia K. McDowell, of Texas.
Donald McMahill, of Virginia.
Sarah Maxson Medvitz, of Massachusetts.
Charles R. Mellor, of Maryland.
James C. Mellstrom, of Virginia.
John K. Menzies, of California.
John H. Mercer, of Virginia.
Janet L. Meyer, of Virginia.
Augusta D. Moore, of Virginia.
Thomas C. Moore, of Virginia.
Alfred L. Morgan, of Oregon.
Michael P. Morgan, of the District of Columbia.
Robert O. Morris, of Virginia.
Mark James Mowrey, of New Jersey.
Kiki Skagen Munshi, of California.
Patricia Jane Murphy, of California.
Frank Lee Myers, of New Jersey.
Jerome B. Neal, of Kansas.
Hugh Mears Neighbour III, of California.
Karl G. Nelson, of Hawaii.
Pamela J. Noe, of Maryland.
Patricia D. Norman, of California.
Molly L. O'Neal, of Texas.
Marjorie Rodgers Overton, of Maryland.
Larry Leon Palmer, of North Carolina.
Andrew Charles Parker, of Pennsylvania.
David D. Pearce, of Maine.
M. Angier Peavy, of Texas.
Edward James Perkins, of Virginia.
Sheila Jane Peters, of Pennsylvania.
Shirlie Carol Pinkham, of the District of Columbia.
William C. Poole, of Virginia.
Diana C. Proeschel, of Virginia.
Guilford C. Queen, of the District of Columbia.
Cyrus M. Quigley, of Virginia.
David J. Rabadan, of New Jersey.
Thomas Bolling Robertson, of Virginia.
Victor Manuel Rocha, of California.
David P. Rolph, of Virginia.
Erwin J. Runge, of Virginia.
Eric William Running, of Washington.
Edward E. Ruse, of Texas.
Brooks Ryno, of Virginia.
John M. Sandels, of Virginia.
James F. Sartain, of Maryland.
Thomas Franklin Scaletta, Jr., of California.
Ronald Lewis Schlicher, of Tennessee.
Richard Scorza, of Florida.
Pamela M. Seaton, of Louisiana.
Charles Bratton Seidel, of Virginia.
Priscilla Sellers, of Virginia.
Florita Indira Sheppard, of Texas.
Colleen Shores, of Washington.
Mark Aaron Sigler, of Minnesota.
Paul Edward Simons, of New Jersey.
Mark Jay Smith, of California.
Shirley M. Smith, of Virginia.
Fredd D. Snell, of Virginia.
Gianpaolo Spinelli, of Virginia.
James R. Sporn, of Virginia.
Paul Dwight Stephenson, of Washington.
Frances Sullinger, of Texas.
Gerald J. Svat, of Virginia.
Patrick Syring, of Ohio.
Thelma P. Terjelian, of Virginia.
Linda Joyce Thomas, of Louisiana.
Marshall S. Thomas, of Virginia.
Carol Ellis Thompson, of California.
Mary Elizabeth Thornhill, of Connecticut.
Timothy Andrew Tulenko, of North Carolina.
Melvin Raymond Turner, of California.
Mary K. Vinson, of Virginia.
Cantwell Walsh, of the District of Columbia.
William H. Wanlund, of the District of Columbia.
Henry Webb, Jr., of Wisconsin.
Brian D. Weese, of Pennsylvania.
Jeffrey A. Weissman, of Virginia.
John W. Whiteley, of New York.
Barbara A. Wojciechowski, of Virginia.
Gene W. Wojciechowski, of Virginia.
Richard R. Wooten, of Washington.
Howard Clinton Wright, of Georgia.
Richard D. Wurdeman, of Hawaii.
Mark Zamkov, of Virginia.
Susan Weir Zelle, of Florida.

Consular Officers of the United States of America:

LeRoy D. Blanchard, of Washington.
James-Michael von Stroebel, of Florida.

Secretaries of the United States of America:

Malcolm Butler, of Texas.
John M. Scott, Jr., of Virginia.

The following-named person of the Department of State for appointment as a Foreign Service Officer of class 2, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America; effective December 11, 1981:

Miguel de la Pena, of Massachusetts.

IN THE MARINE CORPS

The following named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, sections 5902 and 5912, subject to qualification therefor as provided by law:

Charles S. Bishop, Jr.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Kenneth E. Moffett, of Maryland, to be Federal Mediation and Conciliation Director, vice Wayne L. Horvitz, resigned, to which position he was appointed during the last recess of the Senate.

SMALL BUSINESS ADMINISTRATION

James C. Sanders, of California, to be Administrator of the Small Business Administration, vice Michael Cardenas, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 1982:

U.S. POSTAL SERVICE

John R. Mckean, of California, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986.

POSTAL RATE COMMISSION

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1986.

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1982.

U.S. INTERNATIONAL TRADE COMMISSION

Veronica A. Haggart, of Virginia, to be a Member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1984.

IN THE MARINE CORPS

The following named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualification therefore as provided by law:

Louis H. Buehl III
Charles H. Pitman
Norman H. Smith
Ray M. Franklin
John R. Dailey
Edmund P. Looney, Jr.
Michael K. Sheridan
James E. Cassity
Carl E. Mundy, Jr.
Ernest T. Cook, Jr.