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Page 2

25X1 4. [ ] Accompanied Bruce Clarke to an unclassified briefing of Ed Braswell, Senate Armed Services Committee staff, on the nature of the Soviet threat. The briefing was primarily directed to the historical background of the Soviet weapons program. Mr. Clarke also reviewed material which had been prepared by Bill Baroody, of DOD, and expressed his agreement with the figures contained in Baroody's paper. Braswell said this briefing would be most helpful to him in assisting Senator Stennis in his work on the ABM issue.

I asked Braswell if he had any reservations about our going ahead with the submission of our retirement package as indicated in the outline which we had provided him earlier. Braswell said he had no real problems on this but suggested that instead of a flat repealer of the ceiling on our number of retirements that we suggest a new ceiling figure. With regard to the section on the reemployment of retired annuitants, Braswell expressed some reservations about our following the Foreign Service provisions, but did not state a flat objection.

25X1 5. [ ] Ambassador Torbert, Acting Assistant Secretary of State for Congressional Relations, called about a letter the Department had received from Senator Jacob Javits inquiring of the possibility of freeing a prisoner held by the Cubans since participating in the Bay of Pigs invasion. After checking with [ ] WH Division, I called Torbert to say our area experts had been in touch with their opposite numbers in State and I thought it best for the matter to be handled through that channel, to which Torbert agreed.

25X1 6. [ ] Dorothy Fosdick, Staff Director, Senate Governments Operations Subcommittee on National Security and International Operations, called to request, as early as possible tomorrow, an all-source briefing on the costs of major Soviet strategic weapons programs. I told her I would check and confirm.

25X1A [ ] later called Miss Fosdick and advised that he and [ ] of OSR would be there at 9:30 a. m. tomorrow morning.

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# Secret Pentagon Report

By George C. Wilson

Washington Post Staff Writer

A top-secret report locked up in the Pentagon throws a different light on the grim picture Defense Secretary Melvin R. Laird recently painted of the Soviet missile threat.

The report is based on photographs taken from America's Samos satellites as they passed over the Soviet Union.

The secret findings are bound to figure in congressional debate on whether the U.S. missile defense should be expanded.

According to the eye in the sky, the Soviet Union actually built fewer sites for its biggest missiles, the SS-9, in 1969 than it did in 1965.

Film parachuted back to earth from the unmanned Samos satellites, the Central

Intelligence Agency's successor to the U-2 spy planes, is a major basis for the Pentagon's estimates of Soviet weaponry.

Laird revealed part of the SS-9 count when he told Associated Press editors in New York on April 20 that he was releasing "maximum information" so the American people could see "that we are literally at the edge of prudent risk" as far as holding back on

the deployment of new weapons.

Laird has argued that an antiballistic-missile (ABM) defense must be built to protect U.S. Minuteman intercontinental ballistic missiles (ICBMs) from a surprise attack by the SS-9.

"In 1965," Laird told the editors, "there were no operational launchers for the large

## Disputes Laird on Red Missiles

Soviet SS-9 missile which, in its single warhead version, can carry up to 25 megatons.

"Today," Laird continued, "I can report to you that there are some 220 SS-9s operational with at least 60 more under construction . . ."

Laird did not mention that 66 SS-9 missile sites were spotted in 1965, compared to 54 in 1969. The secretary evidently added up each year's construc-

tion since 1964 to reach his total of 280 for "today."

His reference to "no operational launchers" in 1965 apparently meant they were not ready to fire.

Laird's comparison could be read as a sudden jump in SS-9 missile site construction. Instead, the intelligence estimates show an up-and-down trend for the SS-9.

The Samos, according to in-

formed sources, counted a few over 40 SS-9 sites in 1964, then the 66 for 1965. The next three years showed a tapering off before surging upward again to 54 in 1969.

How many SS-9 missiles the Soviets build in 1970 will be watched as one indication of their attitude toward slowing down the strategic arms race.

Laird has served notice that if the Soviets do not slow

their current pace, the United States will have to move faster into such new strategic weapons as a super-size submarine armed with longer-range missiles than the Polaris.

Soviet SS-9 deployment is one of the concerns of the American negotiators at the strategic arms limitation talks at Vienna.

proach continues to look at the Southeast Asia problem as simply a military problem and not one which requires a political solution.

The events in Cambodia are so ominous that prompt and responsible action is required by the Congress to avert a wider war involving the United States throughout all Indochina.

Section 401 of the military procurement bill, which we are considering today, is an open-ended authorization for the very type of action which yesterday resulted in American advisers and air support crossing into Cambodia with a large-scale South Vietnamese attack force.

As I have informed my colleagues by letter, today I intend to offer an amendment which would strike out section 401, in an effort to avoid involvement in another war created by the executive branch.

Section 401 provides that funds authorized under the military procurement bill or any other act involving the Armed Forces may be used to "support" Vietnamese and other free world forces in Vietnam, and local forces in Laos and Thailand. This is the very support which accounts for yesterday's U.S. intervention into Cambodia. What is more, it will enable this country to marshal a proxy army, drawing us further into the well of death and destruction which has cost over 41,000 American soldiers' lives in Vietnam.

The House will have an opportunity today to act. By voting for the amendment which I will offer, and thereby deleting the open ended authority for support of South Vietnamese, Thai, and Laotian forces, we will be able to exercise our constitutional responsibilities. The President will have to request specific authority, and will have to explain his actions fully. That is the very least we owe this country and its young men, who are risking their lives in misguided conflict in Southeast Asia.

#### CONFLICT IN SOUTHEAST ASIA

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

Mr. LONG of Maryland. Mr. Speaker, the Pentagon announcement that we are moving into Cambodia in a fairly large way, with advisers, tactical air support, and other combat support and equipment, is upsetting.

For 7 years, we have tried to win a war in a nation with as many as a half million men. Now, the tantalizing vision is held out that with half as many men we can somehow emerge triumphant by spreading the war into two nations.

The Pentagon announcement is particularly upsetting because we have been assured repeatedly by the administration that we would not become involved in another Asian conflict without consultation with the Congress. Just a week ago today, Secretary of State Rogers reiterated that assurance to the Foreign Oper-

ations Subcommittee of the House Appropriations Committee.

Our commitment in Cambodia is already substantial enough to remind us of how we got committed to Vietnam in the first place. It will become even more substantial if the Cambodian Government is given all the support it has requested.

The administration has broken both its promise and its constitutional obligation to consult the Congress by committing American troops, American treasury, and American prestige to the defense of one more nation that lacks the will to defend itself.

President Nixon has launched us into another undeclared war.

#### RECENT DEVELOPMENTS IN CAMBODIA OFFER AN OPPORTUNITY

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

Mr. BLACKBURN. Mr. Speaker, we have heard several comments today regarding developments in Cambodia in recent weeks. In my opinion, the developments in Cambodia are one of the greatest breaks that the United States has received since our involvement there. Recent developments are favorable to the United States both militarily and psychologically; military because the Communists are being denied sanctuary in Cambodia and psychologically because it shows that the freedom-loving people in Southeast Asia are anxious to throw off their pro-Communist rulers and stand up and fight. The Communists remind me of a man playing poker who has run out of blue chips when someone else raised the ante.

I am glad to say that I can support a cause, the cause of victory in Southeast Asia. When I heard the loud cries on this end of the Capitol, as well as the opposite, from those praying secretly for American defeat, I am glad that I can stand up for an American victory. An American victory will be my victory. I pity and hold with some disgust those who must pray for an American defeat in the hope that in some perverted way they might benefit politically.

#### MINSHALL OPPOSES RAISE IN FIRST-CLASS POSTAGE

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

Mr. MINSHALL. Mr. Speaker, as the postal reform hearings progress in the House Committee on Post Office and Civil Service, I wish to be recorded in opposition to the proposed 2-cent increase in first-class postage.

First-class letters already show a profit at 6 cents. There is no reason why first-class mail users should be penalized by an increase in rates.

And there is absolutely no justification for the general taxpayer to continue

digging in his pocket to subsidize unwanted, unwelcome third class "junk" mail which does not begin to pay its own way and which is a constant nuisance to recipients.

In its most fair form, the cost of delivering any article through the mail should be a direct-user tax. I hope that the postal reform bill will reach the House floor under a parliamentary situation which will permit us to vote separately on the postal rate issue.

#### MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATION, 1971

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that the bill be considered as read and open to amendment at any point.

Are there further amendments?

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer and amend.

The Clerk read as follows:

Amendment offered by Mr. WYMAN:

On page 2, line 19, strike out the period, substitute a comma, and add the following: "Provided further, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least two different United States shipbuilders."

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

Mr. WYMAN. Mr. Chairman, I shall not take too much time on this amendment. However, it is an important amendment in that this DD-963 class of destroyer procurement involves an initial contract for some 30 vessels and an additional commitment—

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

The CHAIRMAN. The Chair will count. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 98]

Anderson, Tenn.	Edwards, La.	O'Neal, Ga.
Ashley	Felghan	Ottinger
Baring	Foley	Passman
Beall, Md.	Gallagher	Patman
Berry	Garmatz	Pepper
Biaggi	Giaino	Poage
Bolling	Griffiths	Powell
Brasco	Hanna	Price, Tex.
Brock	Hays	Roberts
Brown, Calif.	Hebert	Ruppe
Burke, Fla.	Heckler, Mass.	St. Onge
Burton, Utah	Jacobs	Scheuer
Bush	Johnson, Calif.	Schneebell
Cabell	Jones, N.C.	Stratton
Ceiler	Kee	Stubblefield
Clark	Kirwan	Stuckey
Clawson, Del.	Langen	Sullivan
Cohelan	Lennon	Symington
Colmer	Lujan	Taft
Cowger	Lukens	Taylor
Cramer	McCarthy	Teague, Calif.
Daddario	Madden	Tunney
Dawson	Mahon	Welcker
Dent	Melcher	White
Dulski	Meskill	Whitehurst
	Mollohan	

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. ROSENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17123, and finding itself without a quorum, he had directed the roll to be called, when 354 Members responded to their names, a quorum, and he submitted herewith the names of absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the gentleman from New Hampshire (Mr. WYMAN) was explaining his amendment. The gentleman will proceed.

Mr. WYMAN. Mr. Chairman, this amendment is not a complicated one. It is designed to require that at least two different sources shall construct the new DD-963 class of destroyer which is the projected new destroyer for the Navy over the next 10 to 20 years. The initial procurement here involves some 30 ships at a cost of approximately \$2 billion.

Mr. Chairman, it is my opinion as a member of the Defense Appropriations Subcommittee that this is altogether too much for a single source procurement. I think a dual procurement would strengthen the procurement process as well as our national shipbuilding capability.

As Members remember, last year there was provision in the bill when it went over to the other body providing for three sources. At the present time in response to specifications and contract definition the competing sources on this procurement are down to two.

In the long haul many more than 30 such vessels may be required.

I think it very much in the interest of the procurement process and more compatible with a greater measure of protection for national defense, that at least two facilities develop and construct this destroyer. Sole source of procurement here puts altogether too many eggs in one basket

Dual procurement will involve a brief initial delay to assure commonality. In the prototype there may be a small cost increase in the beginning. But shortly down the line as completed ships come off the ways this increase will be recouped and we will have the continuing added protection of two sources of production for this main line item. To me this is a wise and sound policy.

I would like to ask the distinguished chairman of the Armed Services Committee at this time if the committee has a position in regard to this amendment?

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

Mr. WYMAN. Yes; I yield to the chairman of the committee.

Mr. RIVERS. I think this amendment is substantially the same as the one we had in the bill last year. I can see no harm in it. Insofar as I am concerned I will accept it.

Mr. WYMAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, in the interest of time I will yield back the balance of my time.

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

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

Mr. LEGGETT. Mr. Chairman, I may not take up the entire 5 minutes. I think we have found we can spend a great deal of money for some of these procurements, but we spend it all in one particular place in many instances. At my instance, we have had some amortization of the work with respect to ship procurement by provisions we added in the bill already providing that of the funds made available, \$600 million would be available only for expenditures in naval shipyards.

I think there are sound reasons for this. I would like to submit into the Record an analysis of this Committee amendment, which I sent to the Chairman under date of April 6, and which has tables attached to it. I will ask permission to print the tables when we get into the House.

The material referred to is as follows:  
APRIL 6, 1970.

HON. L. MENDEL RIVERS,  
Chairman, Committee on Armed Services,  
House of Representatives, Washington,  
D.C.

DEAR MR. CHAIRMAN: Shortly we will be introducing our Public Law 412 Authorization Bill for fiscal 1971. A question arises whether our Committee has the power to halt the apparent administrative desecration of our Naval Shipyards. I know you are concerned about the sometimes fiscal slight of hand of the Pentagon. What with Congressional and Presidential limitations on spending over the past few years, I believe our long-term defense priorities have become confused.

When the red tape and official budget misinformation are cleared aside and the numbers are viewed in perspective, the rather disastrous desecrating action of the Administration comes to light.

You recall in the early 1960's we fought jointly to maintain a proper balance between public and private shipyard apportionment of Naval repairs, alterations and con-

versions (RAC). We opposed mandatory apportionment of 35 percent of this work to private yards when for the previous 10 years the average had been 15 percent private. For the past five years, there has been no mandatory apportionment, but it is interesting to note that private yards have enjoyed respectively 32.6 percent, 35.4 percent, 40.8 percent, 37.4 percent and 32.8 percent of the work.

The point is that our victory was rather hollow since in spite of the discretion given the Administration, the Navy has averaged over the last 5 years only \$682 million of RAC work whereas private yards have averaged \$385 million and 36.1 percent of the work.

While the Navy has mesmerized us with the repair figures, apparently there has been a move in the Administration to work disaster in new construction.

You recall in 1965, when Secretary McNamara issued his order closing certain Naval Shipyards, he talked of modernizing and building up the remaining yards so that they could be competitive on new construction. The Navy bought and paid for the Kaiser Report which looked to expending \$700 million to modernize Naval Shipyards in 5 to 7 years. Now four years later, it is my understanding that the Administration has opted for a 10 year modernization program—recommended for the first time last year a \$70 million initial program which was eventually reduced by budget limitations to \$49.9 million. For fiscal 1971, I understand the Navy recommended \$98 million and this was cut by OSD to \$34.5 million. The point is that at best the Navy yards will only get 50 percent of the Navy recommended program, which means that a 10 year modernization is now extended to 20 years.

On new construction, there has been a statistical disaster which is now wreaking havoc in Naval Shipyards, and I charge destroying our Defense Shipyard capability.

In the 10 year period before 1967, Navy yards were apportioned on the average \$405 million of new construction work annually—about 20 percent of the new work. Private yards were awarded 80 percent or about \$1.4 billion annually.

In 1967, apparently without much fanfare and amid budget confusion, the Navy yard share of new construction was cut to less than 1 percent or \$6½ million, while private yards received a whopping \$1.8 billion. Outside of \$71 million awarded to Navy yards in 1968, there has been no new shipwork allocated to any Navy yard in 1969, 1970 and now 1971; while there has been apportioned to private yards during this period \$553 million, \$351 million, \$2.45 billion, and \$2.72 billion or a total of \$6.07 billion private to 0 for Naval Shipyards. The last figure, as you know, is subject to our Public Law 412 power this year.

Not only are private yards fat from Navy contracts, but the new 30 ship per year Merchant Ship Program of the Maritime Administration and the 10 ship per year Charter and Build Program of the MSTs will swell private yard coffers an additional billion dollars a year.

This feast on the one hand, famine on the other, has had its effect in shipyard employment. In 1956, private yard employment stood at 110,000 vs. 102,000 in Naval Shipyards. In 1961, when the Democrats came to power, the ratio was 116,000 to 98,400 for Navy yards.

In 1968, it was 144,000 private vs. 95,200 Navy yards. Over the past three years, with the disastrous work allocation policy afore-described, Navy yard strength has fallen to 86,000 and is projected to deteriorate to 82,000 in June and perhaps 72,000 by the end of fiscal 1971.

I personally believe that our national de-

fense posture will be substantially compromised if our Committee allows a 25 percent reduction in crucial shipyard personnel talents in this short space of time.

Several solutions present themselves to ameliorate the foregoing.

(A) A proviso could be added which would limit the ship authorization so that \$600 million would be available only for expenditure in Naval Shipyards.

(B) A proviso could be worked out which would guarantee that at least 20 percent of the new construction funds would be allocated to Naval Shipyards.

Either of these provisions are a far cry from the 50-50 apportionment called for in the Vinson Trammell Act, which I understand is still law today.

While perhaps only a portion of the Naval Shipyards are involved in new construction,

the policy aforementioned affects everyone of them lest they all try to survive out of the same paltry repair dollar allocation.

Mr. Chairman, I know you are vitally concerned with these matters. The contentions can be easily reinforced by calling in civilian and military Navy Shipyard managers to Washington to testify.

Very sincerely,

ROBERT L. LEGGETT.

ALLOCATION OF SHIPWORK BETWEEN NAVAL AND PRIVATE SHIPYARDS FISCAL YEAR 1953 TO FISCAL YEAR 1970

[Dollars in thousands]

Fiscal year	New construction				Total repairs, alterations, conversion and new construction			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	\$256,390	\$303,059	\$559,449	54.2	\$690,781	\$335,859	\$1,026,640	32.7
1954	0	427,818	427,818	100.0	378,811	483,418	862,229	56.1
1955	320,288	415,218	735,506	56.5	724,538	491,618	1,216,156	40.4
1956	388,411	861,380	1,249,791	68.9	907,287	949,101	1,856,388	51.1
1957	549,686	1,010,601	1,560,287	64.8	1,233,521	1,271,083	2,504,604	50.7
1958	303,302	1,281,300	1,584,602	80.9	825,856	1,349,000	2,174,856	62.0
1959	474,131	1,376,699	1,850,830	74.4	1,086,040	1,472,998	2,559,038	57.6
1960	86,160	42,9615	515,775	83.3	531,478	504,984	1,036,462	48.7
1961	483,702	1,488,935	1,972,637	75.5	972,352	1,568,635	2,540,987	61.7
1962	772,371	1,620,824	2,393,195	67.7	1,372,615	1,786,624	3,159,239	56.6
1963	274,192	1,888,108	2,162,300	87.3	872,401	2,214,795	3,087,196	62.1
1964	321,945	1,390,818	1,712,763	81.2	1,030,860	1,690,154	2,721,014	63.8
1965	441,100	1,361,476	1,802,576	75.5	896,762	1,581,996	2,478,758	65.8
1966	255,300	1,390,436	1,645,736	84.5	932,444	1,792,405	2,724,849	77.1
1967	6,500	1,827,300	1,833,800	99.6	695,588	2,343,794	3,039,382	54.2
1968	71,500	553,200	624,700	88.6	868,296	1,028,806	1,897,102	47.2
1969	0	351,600	351,600	100.0	796,422	741,221	1,537,643	47.2

ALLOCATION OF SHIPWORK BETWEEN NAVAL AND PRIVATE SHIPYARDS FISCAL YEAR 1953 TO FISCAL YEAR 1970

[Dollars in thousands]

Fiscal year	Repairs and alterations				Conversions				Total repairs, alterations and conversions			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	\$301,700	\$32,800	\$334,500	9.8	\$132,691	\$0	\$132,691	0	\$434,391	\$32,800	\$467,191	7.0
1954	285,600	55,600	341,200	16.3	93,211	0	93,211	0	378,811	55,600	434,411	12.8
1955	255,400	76,400	331,800	23.0	148,850	0	148,850	0	404,250	76,400	480,650	15.9
1956	294,000	71,200	365,200	20.8	224,876	10,521	235,397	4.5	518,876	87,721	606,597	14.5
1957	269,400	64,200	333,600	19.2	414,435	196,282	610,717	32.1	683,835	260,482	944,317	27.6
1958	293,300	67,700	361,000	18.8	229,254	0	229,254	0	522,554	67,700	590,254	11.5
1959	299,500	57,500	357,000	16.1	312,409	38,799	351,208	11.0	611,909	96,299	708,208	13.6
1960	350,900	63,500	414,400	15.3	94,418	11,869	106,287	11.2	445,318	75,369	520,687	14.5
1961	347,300	79,700	427,000	18.7	141,350	0	141,350	0	488,650	79,700	568,350	14.0
1962	394,300	133,400	527,700	25.3	205,944	32,400	238,344	13.6	600,244	165,800	766,044	21.6
1963	309,909	140,487	450,396	32.2	288,300	186,200	474,500	39.2	598,209	326,687	924,896	35.3
1964	315,053	150,972	466,025	32.4	393,862	148,364	542,226	27.4	708,915	299,336	1,008,251	29.7
1965	432,962	148,620	581,582	25.6	22,700	71,900	94,600	76.0	455,662	220,520	676,182	32.6
1966	511,044	349,619	860,663	40.6	166,100	20,650	186,750	11.1	677,144	370,269	1,047,413	35.4
1967	664,088	352,494	1,016,582	34.7	25,000	121,500	146,500	82.9	689,088	473,994	1,163,082	40.8
1968	667,896	264,106	932,002	28.3	128,900	211,500	340,400	62.1	796,796	475,606	1,272,402	37.4
1969	665,022	235,521	900,543	26.2	131,400	154,100	285,500	54.1	796,422	389,621	1,186,043	32.8

Mr. LEGGETT. Mr. Chairman, I think that the amendment offered by the gentleman from New Hampshire is a good amendment. It is going to allow for dual source procurement, and I think it is going to lead to the construction of these ships more competitively and more rapidly, and it is not going to add to the cost.

I yield back the balance of my time.

AIRPORT AND SEAPORT CRIME CONTROL ACT OF 1970

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

(By unanimous consent, Mr. KOCH was allowed to speak out of order, and to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, today I am introducing the Airport and Seaport Crime Control Act so we can break the grip of organized crime at our ports of entry.

In February, I expressed the hope that this Congress would concern itself with stopping the massive theft of international cargo by criminals operating with

impunity at both our seaports and airports. At that time I cited the failure of the New York-New Jersey Waterfront Commission to wage an effective and conscientious fight against the infiltration of organized crime in the port of New York. Now the waterfront commission is seeking to extend its jurisdiction to New York's airports, despite its sorry record in ridding the waterfront of organized crime and protecting valuable cargo.

It appears that the problem is beyond the capacity of State or local authorities. The Attorney General has charged that the largest air cargo center in the world, New York's Kennedy Airport, is virtually controlled by organized crime. Earlier this year, the Nixon administration announced that it would propose legislation designed to prevent theft of international cargo at all ports of entry throughout the Nation. But no legislation seems to be forthcoming. As with many other critical problems facing this country, we cannot wait upon the Nixon

administration while it tries to decide what, if anything, it will do.

For all these reasons, the Airport and Seaport Crime Control Act of 1970, which I am introducing today, seeks to place the responsibility and power for dealing with this problem squarely on the Treasury Department's Bureau of Customs. The bill creates a Cargo Protection Division in the Bureau of Customs for two primary purposes:

First, the prevention of infiltration by organized crime of legitimate waterfront and airport business by the use of licensing powers; and

Second, the creation of Federal standards of cargo protection and the creation of freight security areas in both airports and seaports.

It is desirable that there be Federal responsibility for cargo protection as it involves the control and regulation of interstate commerce. The exercise of such regulatory functions by local authorities does not permit the efficient coordination and surveillance of organized crime. In addition, a Cargo Protection

Division with national powers will prevent the circumvention or evasion of regulations by the utilization of other ports for various forbidden transactions.

The act provides for the licensing of companies doing business in the airports and seaports. All prospective licensee companies would have to meet the standards of good character and integrity. These companies would include the stevedore companies, air freight delivery and warehouse companies, trucking companies utilizing the ports, maintenance companies of all kinds, special service companies, such as those that provide cooping, container and carpentry services on the waterfront.

Individuals also would be licensed; they would include longshoremen, pier superintendents, hiring agents, clerks, air employees. Those with very serious or recent criminal records, or with a provable connection to organized crime, would be denied a license.

Initially, the licensing power would probably be exercised selectively by concentrating on the major ports where there is an obvious need for control. Eventually, the licensing power could be utilized at lesser ports as commerce increases and crime problems arise. The bill specifically permits bistate, State, and local authorities to exercise licensing powers of their own. Under the act, the Cargo Protection Division can accept State or municipal licenses of cargo handlers, supervisors and transporters in lieu of Federal licenses if the Division determines that the non-Federal standards for licensing are consistent with the purposes of the act.

In order to enable the Division to investigate violations of laws committed at either airports or seaports, the act provides that the Division possess full subpoena and the immunity powers to enable it to investigate the penetration of organized crime into various airport and seaport components. It also provides strong criminal penalties for evasion or violation of the act itself.

We should not delay in providing the authority and finding the money to attack this problem. The volume of cargo at Kennedy Airport will quadruple in the next decade. Reported losses represent only a fraction of what is actually being stolen.

The Senate Select Committee on Small Business which has investigated this problem has emphasized that the ultimate victims of this multimillion-dollar thievery and corruption are the small businessmen and the consumer public. The increased costs resulting from business monopoly, fraudulent practices and cargo theft are passed on to them. It is time for the Federal Government to be given specific responsibility for crime control at our ports of entry if we are to save legitimate businesses and the American consumer from the increasing menace of organized crime.

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

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

(Mr. ANDERSON of California asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Wyman amendment which would require the DD-963-class destroyer contract to be split between two shipyards.

I feel that this amendment will serve the national interest in several ways: First, it will revitalize our sagging shipbuilding industry in two areas—not one. Second, it would avert a total halt in construction if one yard runs into labor trouble and has a strike. At least one yard will be in production. Third, the amendment would allow for continued construction if one shipyard is hampered by mismanagement.

Mr. Chairman, I recognize the need to spread our shipbuilding capabilities over several geographical areas. Shortly, I will be presenting an amendment which moves in the same direction as the Wyman amendment, although much broader in scope. To show that there is no conflict, however, I urge support of the Wyman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

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

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:

On page 2, line 8, after the words, "For missiles: for the Army," strike "\$1,086,600,000" and insert "\$426,200,000".

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

Mr. LEGGETT. Mr. Chairman, I intend to offer two amendments this morning with respect to the anti-ballistic-missile program. The present amendment would purport to cut \$660 million, which is the total amount of the procurement in the pending bill for the anti-ballistic-missile program. If that amendment fails then I intend to offer a second amendment which would cut out \$203 million for the phase II deployment.

We have spent today for the anti-ballistic-missile system a total of \$4.3 billion for research and development, \$550 million for procurement, and \$1 billion for military construction. In the bill that we have before us today we are laying the foundation to add on additionally this year \$660.4 million for procurement which includes the \$203 million for the phase II procurement, \$365 million for additional research and development, \$357 million will be in the military construction bill which will come out of our committee later this year, \$158 million for other research and development on anti-ballistic-missile systems, \$53 million for operation and maintenance, \$14 million for personnel compensation, or a total this year which will either be in this bill, the military construction bill, or the military appropriations bill, of a total of \$1.608 billion.

Mr. Chairman, I do not think we need an awful lot of new arguments against the anti-ballistic-missile system this year. There are a lot of them available. I think the arguments that we gave 2 years ago and last year against the system are very cogent and appropriate today.

I said last year I do not believe the anti-ballistic-missile system makes much sense. It is clearly costly and ineffective. It is very, very expensive for the very, very limited objective that could be satisfactorily handled with other existing hardware, and there is actual question as to its effectiveness under battle conditions. There is no doubt it creates massive real estate, personnel, training, and related problems never before attempted by modern man and, assuming it is successful, it can lead to added escalation between the United States and the Soviet Union.

I think we have found this year that is exactly what has happened. The Soviets have escalated. Now we are responding to that escalation with the phase II ABM program right now.

I say that we do not build a school unless you have two-thirds support for the bonds. Again last year we supported an ABM system with a 50-50 vote in the Senate and the 50 Members of the Senate who voted against the system it just so happens represent 58 percent of the American public.

So we have a minority supported program at the present program, and I have real reservations as to whether or not the Senate is going to support this program again this year. For that very reason, unless you have a strong polarity and strong support for a program, I do not think it is worthwhile to get into this \$10 billion or \$12 billion or multibillion-dollar training programs.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. RIVERS. Why would not the gentleman accept a vote of the House on this?

Mr. LEGGETT. As the gentleman will recall, we had a very restricted vote in the House last year as we had this year, and we were unable to get a clear vote on the issue of curtailment of procurement alone on the ABM and allow research and development to go ahead.

If the gentleman would allow us to have a recommittal vote this year and limit it just to phase II of the ABM program, I would almost support it at this time.

Mr. RIVERS. The gentleman is talking about last year and he spoke about the other body. What was the vote in the House last year?

Mr. LEGGETT. The vote on a very obscure amendment for the ABM, we got 141 votes against them. I do not think I voted against the recommittal at that time.

Mr. RIVERS. What about our crowd?

Mr. LEGGETT. I do not know about "our crowd."

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

Mr. LEGGETT. I yield to the gentleman.

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

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

I rise, first of all, to commend the gentleman from California (Mr. LEGGETT) for his leadership in the fight to prevent



the United States from further escalating the arms race by proceeding with the deployment of an anti-ballistic-missile system. I support his amendment. Its adoption would signal support by the House of Representatives for the concept that we have a fully adequate system of security, now and in the foreseeable future, based on the principle that the United States could and would respond to any nuclear attack upon it, whether by the Soviet Union and Communist China or any other power, by inflicting intolerable destruction on the attacker. This principle of deterrence, disagreeable and unpleasant as it is, has been fundamental to our strategic security ever since World War II and it will continue to be fundamental in the future. There is no evidence that the Chinese Communists or any other power are so irrational as to invite destruction upon themselves.

Again and again in debating amendments to this bill the chairman and some members of the Armed Services Committee have told us that U.S. security will be jeopardized if the Congress does not approve the Pentagon's desires for bigger and better weapons systems. Yesterday we were told that it was absolutely essential that the United States proceed to deploy MIRV's. Today we are told the same thing about the latest plans for expanding the Safeguard ABM system.

All this is right in line with the recent scare campaign mounted by the Nixon administration. Secretary Laird has been trying to give the impression that the Soviets are accelerating the rate of deployment of their SS-9 land-based missiles, when the rate has actually slowed down, since no new sites for SS-9 launchers have been detected since last August. Dr. John Foster, Director of Defense Research, made headlines by charging that "giant hen house radars" had been erected in the Soviet Union, foreshadowing extensive ABM capabilities; he did not say that these hen houses had first been detected years ago and are considered highly vulnerable to attack. The President himself added to the panic atmosphere, charging that opponents of ABM and MIRV would concede to the Soviet Union military supremacy.

These speeches comprise a combination of long-known facts trotted out as something new and ominous, exaggerations and distortions, and a system of conjuring up remote contingencies for the future as if they present a "real and present danger" requiring immediate action.

The basic case made by the administration for the Safeguard ABM system has been an alleged potential threat to our Minutemen if the Soviets continue to deploy SS-9's at the rate of the last 2 years and will be able to equip them with accurate MIRV's. This is pure supposition. Even if it should prove to be true, we would still have a fully adequate deterrent force in our bombers and submarines.

As I pointed out on the floor yesterday, the Congress is constantly being badgered to take steps based on a fear of what the Soviets might do in the future. What

the advocates of these steps always fail to point out is what the Soviets will be bound to do in response to our escalation through the deployment of weapons systems such as the ABM and the MIRV.

The Pentagon, as it stresses the risks involved in restraint, never seems to be concerned with the risks involved in going ahead full speed with the arms race.

For myself, I believe that our security can be best pursued through a system of balanced deterrents, maintained at a reasonable level through the process of mutual restraint, and through negotiations for controls and limitations such as are now underway in Vienna. Down this road lies not only greater security, but also the opportunity to cut back on our fantastic military spending and to begin to give the necessary priorities to our needs here at home.

Mr. LEGGETT. I thank the gentleman very much.

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

Mr. LEGGETT. I yield to the gentleman.

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

Mr. FRIEDEL. Mr. Chairman, in recent months, I have spoken out repeatedly on the pressing need we have in this country in the early 1970's to restructure and reevaluate our national goals or priorities. It seems to me that this bill today, at this time, is the proper place to begin. In recent days, segments of our domestic economy have suffered reverses which remind many of us in this Chamber of the late 1920's. This week the savings of millions of Americans in securities went down precipitously while we have at the same time the worst price inflation that the Nation has known in a decade. Unemployment levels have recently reached a 6-year high. While this goes on, the White House seems disinclined or powerless to take the necessary steps to reverse or retard the fateful cycle of recession that seems to be occurring.

In Southeast Asia, the administration's policy of Vietnamization and withdrawal apparently is being massively subverted with the war daily spreading to Laos and Cambodia. In other words, we see before us absolutely no light at either end of our domestic or international tunnels. I therefore believe that in these particular dark days we must go very, very slowly indeed in any new areas of military procurement.

I will therefore, Mr. Chairman, vote against the authorization in the bill for the development of the Safeguard missile system. Yesterday, I voted for the amendments that were offered to cut some of the fat out of the bill. I was disappointed that we were not able to eliminate the \$200 million contained in the bill which provides legislative backing for Deputy Secretary of Defense Packard's negotiations with Lockheed Aircraft over the gigantic cost overruns involved in the C-5A contract. In my judgment, this is literally throwing good money after bad. I am for the Government and the company getting together and working out their mistakes without it costing the American taxpayers additional millions of dollars. Mr. Chairman,

it is this very kind of military planning and spending which has tinged our previously hallowed Pentagon with credibility problems.

I was also disappointed that the amendment failed that would have deleted the \$475.2 million requested for the procurement of the Minuteman III, the MIRV, and the ICBM. This amendment would not have stopped this program but merely deferred procurement of the missiles pending completion of the current SALT talks. We could have continued the research and development aspects of this program but delayed the actual procurement of hardware. If our efforts to reach some accommodation with the Soviet Union on disarmament fail, then the Minuteman III deployment could be undertaken and procurement initiated. In essence, I felt that this amendment would have given great force and effect to the action taken earlier this year by the Senate when it passed Senate Resolution 211 by the vote of 72 to 6, which urged President Nixon to propose a bilateral halt on new strategic weapons systems deployment including the MIRV at the beginning of the SALT talks.

Finally, Mr. Chairman, I intend to vote for the efficiency substitute bill which will be introduced today as an amendment by my distinguished colleague from Pennsylvania. This substitute measure will be identical to the version reported by the committee but will contain, in its terms, an across-the-board efficiency cut of 5 percent. In effect, this bill will reduce the committee measure by about \$1 billion. It will contain, under title IV, a provision that will prohibit the Government from making payments to Lockheed until the Congress has been advised of the arrangements for untangling the financial relationships that exists between the Government and Lockheed. This is particularly important in light of other important weapon systems contracted currently to Lockheed including the S3-A's and the Scram missile that have already exhibited significant cost overruns. The efficiency substitute bill will contain, again under title IV, the legislative basis for quarterly GAO reports to the Congress on major weapons systems and provide the GAO with subpoena power to audit defense contractor books. The sad story of the F-111's and the C-5A cost overruns are indeed eloquent testimony to the effect that we need GAO oversight in these areas.

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

(Mr. LEGGETT asked and was given permission to proceed for an additional 5 minutes.)

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

Mr. LEGGETT. I yield to the gentleman.

Mr. GUBSER. Mr. Chairman, I hope that the gentleman will not mind or object to a facetious comment, but I know of his desire to have the right to offer a motion to recommit. I would suggest to him that the Republican Party is the minority party and has that right. So we will be glad to accept his application for membership.

Mr. LEGGETT. I would reply that on this recommittal, and I would do it, as long as I could get out afterward.

But I would say this on this question of what about the ABM system—it is a massive escalation?

We said last year we were talking about a \$10 billion system and this is not the end. When Mr. Packard and Secretary Laird came before our committee this year, what they were talking about was escalation which they readily admitted was \$1.6 billion in just 1 year. We asked them if we had the ultimate in system and control last year how does it so happen that we have additional costs this year?

He said that we have a thing called price increases.

I asked how much was that? He said it was \$450 million.

The cost-of-living increase for 1 year, and it is going to take us 10 years to build this system so extrapolate that and you have about \$4.5 billion costs in cost-of-living increases.

Then they said we have another escalation.

I said, "What is that?" They said that is the stretching out of the program.

You did not give us an ABM program last year, as fast as we thought we could get ready to build it—\$550 million for that stretchout.

I said, "Is that the end?" They said, "No, there is another thing called design changes."

I said, "How could you have a design change added on?"

I asked how we could have additional design changes when we had spent \$4 billion to design the ultimate program presented last year.

Now we have \$680 million worth of design changes and that was the amount.

I said "Is that all?" They said that we are working on the improved Spartan.

I said, "Do you have figures on that?"

He said, "No."

I said, "Maybe you could give us a guess?"

They came up with maybe a half billion dollars for the improved Spartan to attack the improved Soviet missiles. That might be launched in a flat trajectory from perhaps some submarines that might be constructed sometime in the future. So we have had two add-on plus a thing called the missile site radar system—MSR.

Why? Because the system we designed last year might be overrun.

How much was that?

We do not know.

That might be another \$200 million.

You add all these things up and you have an escalation in 1 year of \$2.35 billion.

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

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

Mr. RIVERS. Would the gentleman's position be different if he knew that the Chinese Communists had an ICBM?

Mr. LEGGETT. I think not. I think we can presume that the Chinese, having launched an orbiting vehicle, certainly

have the capability to design and launch a modified projectile which is known as an ICBM.

Mr. RIVERS. How do we know that the booster to which the gentleman has referred is not capable of projecting an ICBM?

Mr. LEGGETT. I think this. We are going to have to live on trust of the Chinese for the next 5, 6, or 7 years, until we get an ABM system constructed. I say that if we can live on diplomacy and balance of power, with our tremendous 20,000 warhead capability of thermonuclear bombs and warheads, if we can live on that for the next 5 years while we are designing this system against the Chinese, certainly it does not make a lot of sense to say, Well, we are going to design a system and in 5 years, we are going to be protected, when we need protection from the Chinese today and we do not have it. I think the best protection against the Chinese is the same kind of protection we have against the Soviet Union, and that is a balance of thermonuclear destruction. That is what we have today. And I think that is necessarily our best defense.

I think we have got a program that we are funding in this bill known as ULMS, Underwater Long-range Missile System that gives much better 'bang for the buck' than the ABM.

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

(At the request of Mr. RIVERS, and by unanimous consent, Mr. LEGGETT was allowed to proceed for 2½ additional minutes.)

Mr. LEGGETT. The ULMS submarine, which many of us who are for a reduction of defense spending support, seems to be a very cost-effective vehicle. It has 24 tubes and is buried at the bottom of the sea. It is perhaps two or three times the size of the Polaris submarine fully MIRVed. I do not think you can have it both ways. I do not think you can be against MIRV and be against the ABM. That is my personal view. I think we get more bang out of a buck from the MIRV system than from the ABM. The total purpose of the \$12 billion ABM system is to assure that 200 missiles will survive in the middle 1970's and middle 1980's. I think if you get 200 missiles out of one ULMS submarine, and we know we have that capability, we will have a much more cost-effective system.

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

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

Mr. RANDALL. Did I correctly understand the gentleman to say that under the ULMS system, 24 tubes would be buried in the bottom of the sea? If so, would they not be just as vulnerable as some of our land-based vehicles?

Mr. LEGGETT. They would be mobile. They could be moved. We have a good capability to tie all of that down.

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

Mr. LEGGETT. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman for yielding. I take this opportunity of commending the gentleman for his out-

standing work in respect to the ABM system, and I wish to associate myself with his remarks.

Mr. LEGGETT. I thank the gentleman very much. We have today a total, as pointed out in our report last year, now projected for the middle 1970's, not the 4,000 warheads that were admitted by Secretary Laird or the 9,000 projected warheads, projected by Secretary Laird—but by the time you MIRV all these programs and include tactical warheads and MIRV and warheads in the F-111 and B-1, we will have better than 20,000 ICBM's and thermonuclear warheads—and I think that is plenty to deter a first strike.

Mr. Chairman, let us consider some facts of strategic military life, as they apply to the ABM.

First. A first strike against the United States is impossible, and will remain so in the foreseeable future.

Let me emphasize what is required for such a first strike.

The generally accepted rule of thumb is that 400 one-megaton warheads or the equivalent delivered to the Soviet Union would in effect destroy their society. We presently have more than 4,200 warheads in our strategic weapons, plus many more mounted on so-called tactical aircraft which ring the Soviet Union and which, "tactical" or otherwise, could strike deep and hard, particularly if they were sent on one-way missions.

This is the problem facing a Soviet general considering a first strike:

He must be able to destroy our hardened Minuteman and Titan silos before they can be emptied. He must be able to destroy our manned bombers and tactical aircraft before they can take off, or else rely on his antiaircraft defenses to take them out once they arrive over his territory. He must have every one of our deployed and in-transit missile submarines pinpointed and ready for instant destruction.

More importantly, he must have absolute confidence in his ability to do all of these things and to do them simultaneously, because if only 10 percent of our forces get through, his society is destroyed.

The impossibility of a simultaneous attack against manned bombers and hardened silos, and the impossibility of any attack against our missile submarines, have been discussed at great length and I shall not belabor the point. But I suggest that the development of the thermonuclear warhead has ruled out the possibility of a first strike by either of the great powers against the other virtually forever, regardless of technological developments.

I say this because of the fantastically high confidence levels required. Let us suppose, for example, that the Soviets develop some as-yet-undreamed-of submarine technique which appears to be effective. It cannot be tested under realistic conditions. They will never know what countermeasures we have until they are faced with them in combat and must overcome them on the first try. The history of untired advanced weapons systems living up to theoretical expectations has not been good. As one of many



examples, before the air war over North Vietnam began we estimated the effectiveness of the Soviet SAM-2 missile at 50 percent, but in practice its effectiveness turned out to be only 2 percent.

Consider the disastrous effect of such a miscalculation on the part of a Soviet first-strike planner. If only 10 percent of our Poseidon fleet survived long enough to launch its missiles, the Soviet Union would receive more than 400 warheads, each twice as big as the Nagasaki bomb. If we turned out to have a countermeasure that enabled our entire fleet to survive, Russia would be showered by over 4,000 of these warheads, plus more than 200 larger Polaris A-3 warheads.

The Soviet planner would face a similar problem with regard to a preemptive attack against our ICBM's and our manned aircraft, and his problems would be supercompounded by the need to carry out all elements of his attack simultaneously.

Mr. Chairman, I suggest that the problem is insoluble. One would have to be absolutely insane to risk one's national existence on the possibility that an untried and highly complex weapons system would approach 100 percent effectiveness. And coming back to reality, the Soviet Union could double its projected military budget for the next 10 years, and it would still not approach even a theoretical first strike capability.

Second, Granting for the sake of argument that we need to improve our deterrent, the Safeguard ABM gives us less deterrence for our money than any of several other options available to us.

The Department of Defense claims Safeguard will increase the number of survivable Minuteman ICBM's from about 100 to about 300. So granting the dubious assumption that Safeguard will perform up to expectations in a heavy sophisticated surprise attack, and granting the even more dubious assumption that the Soviets will tailor their offense to maximize the effectiveness of Safeguard, we find ourselves proposing to spend upwards of \$12 billion in order to increase our survivable deterrent by about 200 ICBM's.

Let us compare this with our other options.

For perhaps one-sixth the price of Safeguard we could buy 200 additional Minuteman III missiles with silos. I do not recommend this course, both because it could be considered provocative and because its deterrent effect would eventually be washed out by improvements in Soviet MIRV accuracy. But at least in the short run it offers a cost exchange ratio of about 1 to 1, which is a great deal more than can be said for Safeguard. I should also note that the lead time for this option is only 2 or 3 years, as opposed to 5 years for Safeguard. We could thus afford to do nothing for a year while we await SALT developments.

For perhaps one-half the price of Safeguard, we could superharden all 1,000 of our existing Minuteman ICBM's. I do not recommend this course either, because it too would in time be washed out by improvements in Soviet missile accuracy. But, assuming the technical problems can be worked out, it would serve to extend the deterrent life of Minuteman

by several years, which is more than Safeguard would do. And whereas Safeguard would be the most complex device in the history of man, with all the possibility of failure that implies, hard rock silos would be simple and reliable. Against the threat for which Safeguard is designed, superhardening would save far more than 200 ICBM's. Finally, superhardening differs from Safeguard in that it is totally nonprovocative. Once we have set up production lines for Sprint missiles and missile site radars, the Russians might expect us to build a few more and put them around our cities, which in a sense would make them provocative first-strike weapons. But one cannot superharden a city.

Now let us consider the option of putting the Safeguard money into an undersea deterrent. Mr. Chairman, the deterrence we could gain in this way staggers the imagination.

Let us consider what we could gain by putting this money into the underwater long-range missile system, known as ULMS.

One of the most important—probably the most important—factor affecting missile submarine safety is the volume of water in which it can operate. By increasing the missile range from the present Poseidon and Polaris 2,500-3,000 miles to 5,000-8,000 miles, ULMS would convert the Soviet Union's antisubmarine problems from impossible to superimpossible. We could even station these ships in controlled environments such as our own great inland bodies of water. I suggest that the Soviets would find it somewhat difficult to conduct antisubmarine warfare in Lake Superior or the Mississippi River.

Official cost estimates of this program are not yet available, but as a rough estimate it appears that for the cost of Safeguard we could build a fleet with approximately the same number of warheads as the Poseidon fleet now under construction—that is, about 5,000 MIRV units. In addition to being supersecure, ULMS would be more effective than Poseidon because its longer time on station would permit a larger proportion of the fleet to be deployed at any given time. Finally, the advanced technology required for ULMS is modest compared to that for Safeguard, and the maintenance costs would be nominal.

Mr. Chairman, let me emphasize that ULMS could mean the end of the arms race. Once we built it, there would be no need to increase it, and no need to further protect it. The strategic weapons business would be reduced to the relatively inexpensive task of developing advanced warheads to keep ahead of possible city-defense ABM developments. We could gradually retire our manned bombers and land-based ICBM's. We could cancel the Minuteman III and B-1 programs. This is cost effectiveness.

But instead, we are choosing the most ineffective and cost-ineffective of all our options.

Third. Ballistic missile defense, like Vietnam, is a bottomless pit that will swallow as much of our national treasure as we care to throw into it, and still cry for more.

Already we are seeing ourselves being

sucked onto the cost-escalation treadmill. I am not referring merely to the 20-percent increase in total system cost estimates which occurred in the past year, although that is nothing to sneeze at. More importantly, I refer to the fact that, while last year Mr. Laird told us Safeguard as proposed would defend our Minuteman from a heavy Soviet attack, now he tells us Safeguard will not be enough; we will need more. This is going to go on forever; if we are gullible enough to let it.

In our additional and dissenting views on this bill, Congressmen NEDEZI, PIKE, STAFFORD, WHELAN, and I discussed how an offense-defense arms race places the defense in a progressively more disadvantageous position. Today I will merely point out, if the offense were to attack with 10,000 warheads, even a 90-percent effective defense would not be noticeably better than no defense at all. And the cost of this defense, assuming it to be possible, would certainly exceed a hundred billion dollars.

I do not mean to suggest the existence of some God-given principle that thermonuclear missile offense shall always be placed ahead of the defense. But I do suggest it is an empirical fact of life, and will remain so throughout the foreseeable future. Every dollar we spend on ABM can and surely will be offset by the Soviet expenditure of a few cents on their missile offense. And the way these things always go, the Soviets will overcompensate for our ABM, leaving us in the end less secure than before the insane cycle began.

Fourth. A missile defense against China is unnecessary. No one denies that a Chinese attack on the United States would result in the obliteration of their entire country. What basis do we have for thinking the Chinese would commit national suicide just for the satisfaction of killing a few million Americans?

All the evidence points to the opposite conclusion. China has traditionally been one of the most cautious nations in the world in the conduct of its foreign affairs. Today it has no troops in combat anywhere. To the best of my knowledge, it has no troops stationed outside its borders. Even in Vietnam, it has yet to commit a single combat soldier—an example we would have done well to emulate. Since China now has joined the space age nations, surely it has the powers today to launch a suicidal ICBM attack. We will not be able to stop her for 5 years with the ABM at most. Probabilities dictate that if China does not act for 5 years she will not act.

Fifth. An anti-Chinese defense is not possible.

Let us set aside for the moment the question of whether the Chinese would be able to penetrate or overwhelm the thin area defense which is the only protection Safeguard would give our population centers. Let us consider only the alternative methods by which China could kill several million Americans.

It would be no trick at all—it would not even be very expensive—for the Chinese to place a thousand megatons aboard each of several trawlers or submarines, and to detonate these off

our coasts. The resulting tidal waves would cause great death and destruction; favorable winds would enable fallout to wreak even greater havoc.

For that matter, they could place a thousand megatons aboard a tramp steamer, hoist a neutral-country flag, and sail into New York Harbor, or San Francisco, or Baltimore, or all at once. Such a ship could be entering New York Harbor this very minute, for all we know. If any Member of this House can suggest a practical method of defense against such an attack, I would like to hear it.

Mr. Chairman, I suggest that our defense lies in our deterrent ability. This is not ideal, but it is all we have, and we had better learn to live with it. We must always be sure that our deterrent is more than sufficient, and more than credible to any potential aggressor. We must always provide a generous safety margin.

But we must also distinguish between real threats and imaginary threats. And most importantly, we must rectify our mistakes rather than locking ourselves into them and compounding them. Neither the present Administration nor its predecessor has brought credit on itself by beginning with the decision that an ABM should be built and then frantically changing from rationale to rationale in hope of finding one that might sell.

So I urge adoption of the amendment to strike all ABM procurement funds. In the coming fiscal year, it will save us \$660.4 million. In the years to follow it will save many billions, and it may mark the moment when we began to turn our resources to helping our citizens instead of tilting at windmills.

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

The CHAIRMAN. The gentleman from New York is recognized.

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

Mr. PIRNIE. Mr. Chairman, in response to the remarks of the gentleman who preceded me in the well, I would like to remind my colleagues that last year, after the most extensive discussions, both in our committee and in public forms of debate, the Congress voted to begin a phased deployment of the Safeguard anti-ballistic-missile system. At that time the opponents of the system said that the Soviet threat was overstated. This year, however, as the committee report clearly shows, we have learned that the threat was understated last year. The Soviets have gone from 230 to 280 SS-9 missiles and, at the present rate, they could by the mid-1970's provide a threat that would neutralize the deterrence of our Minuteman missiles.

When we authorized the program last year, there were all kinds of allegations that it would wreck the chances for the SALT talks. In point of fact, if anything our affirmative decisions on ABM encouraged the Soviets to seek strategic arms limitations talks. There has been no evidence of any kind that the SALT talks are being delayed or held up because of Safeguard. There has been no evidence of any kind that the Soviets consider it necessary to delay their

weapons development because of Safeguard.

When the ABM was debated last year, there were a lot of allegations about the technical feasibility of the system. Our review this year showed that the system is proceeding on schedule. The test version of the missile site radar is working well at Kwajalein. The work on the software computer programs, the most difficult part of the system, is proceeding at the expected rate. And there is no evidence that the system will not be able to meet its technological goals. The first firing of a missile at an ICBM will take place sometime this fall.

In short, there has been no evidence to indicate that the Congress was wrong in the decision it took last year and much evidence to indicate that it was right. There is, therefore, no evidence to indicate a turn-around should be taken at this time.

In addition, of course, if the system was stopped now, the production and construction work would be halted and if it was later determined the system was required there would be a time delay of about 2 years and a great increase in cost on the order of hundreds of millions of dollars.

We are discussing the price of survival. I hope the amendment will be defeated.

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

Mr. PIRNIE. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some point to cut off debate on this amendment.

I ask unanimous consent that all time expire on this amendment and all amendments thereto at 12:45.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I would like to express my support of this amendment offered by my colleague, the gentleman from California (Mr. LEGGETT) who has done a tremendous amount of research on this subject and whose arguments I find most persuasive.

We are embarking on the business of pouring money down an obviously bottomless pit.

We are this year spending \$1.6 billion on a program whose total cost has increased \$1.6 billion in 1 year.

The thing which concerns me most about our ABM system today is the fact that without any question, the control of the firing of our nuclear ABM weapons must, if the system is to work at all, pass from the hands of humans into the hands of computers. The system simply cannot work in any other way. Deputy Assistant Secretary Packard this year backed off from his statement of last year to the effect that the President would retain the control of this system.

In the time frame within which an ABM has to be launched it is just plain impossible to get a message to the President of the United States, wherever he may be, and a rational decision from

him, under whatever circumstances he may be in, whether he is in Rumania, in the Far East, at a ballgame or out on a sailboat somewhere, as to a command decision to fire the weapon. It is not going to be done that way. It is going to be done by machinery.

When we say it is going to be done by the President we are only kidding ourselves. The firing of this nuclear system has now passed into the thoughts and hands of computers. I believe it is a very, very sad age in which we live.

This amendment is a thoroughly proper amendment and should be approved.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

(By unanimous consent, Mr. NEDZI yielded his time to Mr. LEGGETT.)

Mr. LEGGETT. Mr. Chairman, I believe that all the arguments against this system are in the RECORD for last year and are in the dissenting and separate views we have already put in the RECORD.

One thing we have to keep in mind is that, when we buy the ABM system, we still have an opportunity now, of course, not to buy the system even though we have spent \$4 billion or \$5 billion in research and for construction of sites and so forth. We still barely have our foot in the door.

What we are buying with this system, of course, is the most gigantic fire department ever known to mankind. For the first time this year we have the figures on the total number of personnel who are going to be required to man this system and to build it.

A \$12 billion system of course does not run by itself. When we say \$12 billion, we do not include the continuous operating cost of this fantastically large system. It is going to cost us a billion dollars a year at a minimum to run the system after we get it, to pay the salaries and to pay the housekeeping, even if we do not expand the system to more than \$12 billion, and assuming we can rely on the figures we have so far.

What we are buying is this: Military personnel to run the system perpetually, 12,550 men; civilian personnel to run the system perpetually, 6,870 civil servants; for a total of 19,420.

If this system is like the ICBM system that we have we will require, in addition to that, 45,000 separate contract personnel, who are the contract personnel currently attached to our Minuteman III's and the Titan program we have, and the silos, at the present time.

In addition, we would have the salaries of the people to build the system; 22,300 production people plus 16,000 military personnel—for a total of 102,720 people.

If we are concerned about inflation in this country—and certainly, with an 8.4 percent escalation in the cost of living in the 15 months since President Nixon took office, we should be—we should look around to try to figure out where there is some place we can help the President, where we can go slow for a year or two and cut down on expensive hardware and massive escalatory systems.

I believe the place to do it is not an

across-the-board cut in this bill, which I certainly do not support. If we cannot figure out individual places to cut this bill, after working on it all year long, certainly we ought to fold up our tent.

The place to cut is in the ABM system. We have been doing R. & D. for a great many years. We are not at the ultimate in design at the present time. We are still conducting a great number of tests down at Kwajalein. We can maintain a posture with the state of the art by continuing research and development.

The only thing my amendment would to would be to grind to a halt the procurement of this missile at the present time.

It makes good sense, because we are talking now about spending \$500 million to develop a new advanced Spartan, which is a long-range missile which goes with this system. Even the Spartan we are buying today is not what we ultimately intend to buy.

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

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

Mr. RANDALL. The gentleman suggests that there will be a considerable operational expense involved in the cost of men, military and civilian, to man this system. The gentleman a moment ago mentioned the ULMS system. Would he have us believe there would be no expense involved in operating that system in terms of military and civilian personnel?

Mr. LEGGETT. I am glad the gentleman brought that point up, because opposed to the 100,000 people it will take to build and operate this fantastically large ABM system, which would insure 200 missiles are going operation in the 1970's and the 1980's, the ULMS system will involve the use of 10,000 shipyard personnel for about a year, to construct one submarine which would have the same capability as the entire ABM system.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, last year when this issue was discussed it seemed to me that there were two reasons that the opponents gave for opposing it. No. 1, there is the expense involved and they said it would lead to an escalation. The second was that it would not work. Well, if the vote was difficult for some of our colleagues last year, then on those two principal arguments it should be quite a bit easier this year.

In the first place, the argument that our priorities should be reordered is no longer valid, because this has been done. Our priorities have been reordered. I cannot give you the figures, but it runs into several billions of dollars. I am sure that many Members remember the closing of the bases which came to about \$1.5 billion in savings. There was about \$5 billion in one phase by the executive branch alone and \$1 or \$2 billion in the difference between the budget and the final authorization and appropriation last year by the Congress.

Now let us look at this argument as to whether this will work or not. Certainly our Chief Executive, who is my President

and your President, our Commander in Chief, has the greatest military sources of intelligence of any man in America. He says it will work. But we do not have to rely on that source alone in our committee. Some of the information is classified, but the tests have been going on for all of this year, since last year, and I can report to you that these tests have been successful. That is the difference between the situation last year and this year. There has been a significant reduction in military expenditures. The system has been proved in the Kwajalein tests that it will work.

As we approach this vote those two arguments should be paramount in your minds.

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

Mr. RANDALL. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding before he leaves that point. It is a relatively simple argument. We all now accept that the ABM is now technologically feasible. We need the defense. But what needs to be said here, is that we are arguing from a humanitarian point of view on this defensive system where we are absorbing the first strike delivery of the enemy aggressor and saving 20 to 60 million American lives. That is argument enough for me. Does not the gentleman agree?

Mr. RANDALL. Thank you, Dr. HALL.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

(By unanimous consent, Mr. OLSEN yielded his time to Mr. FRASER.)

Mr. FRASER. Mr. Chairman, one of the reasons given for the United States, I think, to go ahead with the ABM system is that the Soviets are building an ABM system. This argument is fallacious. The Soviet ABM system has not given them any increase in security because it is so easy for the United States to saturate and overcome the Soviet ABM defense. Similarly it is wasteful and unwise for us to build an ABM system expecting it to give us any significant defense from the Soviet Union.

I think it is worth taking a moment to notice what the Soviet Union is doing. Around Moscow there is a launching system that has been under construction. Today they have some 62 or 64 launchers in place and it is said that they are operational. What kind of a deterrent or a threat does that pose to American offensive weapons? Let me tell you how small a deterrent it would be to an American MIRV onslaught.

After the Poseidon missiles are in place on an American submarine, one-half of the missiles from just one submarine could knock out all of the ABM intercepts around Moscow and incinerate Moscow. In other words, those 64 launchers could be taken out by the firing of seven Poseidon missiles because they each carry 10 warheads and the 70 warheads would exhaust the Soviet ABM system.

Then, one more Poseidon missile with 10 warheads would incinerate Moscow. Each of those 10 warheads dropped on Moscow would have a nuclear force of double that dropped on Hiroshima or Nagasaki.

So, the fact is today, the Moscow ABM is nothing. As has been made abundantly clear we could go through that like a hot knife through butter.

The reason I presented this was to give you an idea how this situation would look from the point of view of the Soviet Union.

If the United States deploys an ABM system the Soviets would be forced to put multiple warheads on their offensive ICBM's. If they put 10 warheads on top of each of their ICBM's, they would take out 10 Spartans or 10 Sprints with one of their missiles.

This would be the easiest and most effective Soviet response to an American ABM system. They would be compelled to go to multiple warheads as we were when we thought the Soviets were building an extensive ABM defense.

We know the ABM was not a well-conceived system, because the Department of Defense says today that they have to redesign the missile site radar because it is too big. They have got to go to smaller units that could be scattered around the Minuteman site in order to survive an onslaught such as would be expected. I think, for once, we ought to begin to test what we are being told. For once, the Congress ought to stand up and begin to challenge some of the claims coming out of the Department of Defense.

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

Mr. FRASER. I yield to the gentleman.

Mr. HUNGATE. I thank the gentleman for his statement and urge support of this amendment.

Mr. FRASER. I would like to further point out in response to some of the remarks which have been made by the gentleman from Missouri, with respect to what this chart shows with respect to ICBM Soviet nuclear warheads I have added a few more paragraphs to illustrate exactly what I was trying to say. I have here the additional number of ICBM launchers by the Soviet Union, beginning in 1967 with 380 launchers and have extended it down to 1968, 1969, and to 1970 to an annual rate. It is probably 120 and, perhaps, even less, because we are having to annualize a 5-month period.

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

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

Mr. ARENDS. The gentleman is saying something I know nothing about with reference to the fact that the Department says we have to reconstruct or redesign this whole system. Where did the gentleman get that information? There is no testimony in the hearings at all to this fact and I have never heard it before.

Mr. FRASER. If the gentleman will remember during the hearings they stated that they are redesigning the MSR. They said the advantages to having a single missile site radar were very little and stated the fact that they are in the process of redesigning them.

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

The Chair recognizes the gentleman from California (Mr. GUBSER).

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

Mr. GUBSER. Mr. Chairman, I would like to point out two errors in the statement of the gentleman who has just left the well of the House. First of all, there is no major redesign of the MSR system. There is only the addition of a small MSR radar for the purpose of creating hard point defense. This does not constitute a redesign of the MSR, no matter how the gentleman from Minnesota wishes to distort the testimony.

The second point I would like to make is this, that the gentleman's chart which he has just shown us is not a complete chart. It does not include the latest intelligence estimates. You will note the red line and the straight line. If he had been able to show you the remainder of the updated chart it would have been evident that the red line would again have curved up and crossed the first line to completely vindicate what Secretary Laird predicted in his testimony before the Congress.

So I point out that the chart that was presented is not accurate because it is not complete, and as such it gives a distorted picture.

Mr. FRASER. If the gentleman will yield, the last figure is from the threat chart given to the committee. It gives the threat as of February 1, 1970. There are no additional published figures. There are no figures available after that. The chart is accurate.

Mr. GUBSER. My response to the gentleman is that the published figures are incomplete, and the figures the gentleman has cited are incomplete.

Mr. Chairman, in committee I offered an amendment to delete \$25,000,000 for long leadtime items connected with the five ABM sites to be constructed after the first three.

Last year I supported phase I of the Safeguard system because I believed it was imperative that we insure the survivability of a credible deterrent. I also believed that prudence require that we do not waste a year's time in taking out such insurance.

I still support phase I for the same reasons. I also support that portion of phase II which deals with installations at Grand Forks Air Force Base, Malmstrom Air Force Base, and Whiteman Air Force Base. These installations are to protect our Minuteman missiles and preserve our deterrent capability. They should be completed as soon as possible.

But the five additional sites are for a different purpose and introduce a totally new concept and philosophy of defense. It is a concept which, in my opinion, is not as urgent as protecting our Minuteman sites. I think it can wait and we should not embark upon what will be a multibillion dollar expenditure in the future.

My amendment was overwhelmingly defeated and would be again defeated if offered today. Nevertheless, I want the Record to clearly show my reservations concerning this new commitment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS) for 2½ minutes.

Mr. ARENDS. Mr. Chairman, I rise in

opposition to the proposed amendment. It is very evident that what is happening here is a continuation of the fight we had last year, and I feel the proponents are weak in their argument.

I would like to cite one or two matters: Recall if you will the mood and reaction of Russia a few days after the passage by the Senate in 1968 of the ABM program. After Congress approved the ABM program, the Soviet leaders suddenly dropped their negative attitude as to arms limitation talks and offered to talk about arms control limitations. The situation of the SALT talks today is basically the same. We are bringing the Soviet leaders to the table to talk about arms limitations, this is, in part, because the Soviets recognize that we are not going to be caught short in the continued development and improvement of our defense posture.

The gentleman a moment ago talked about what would happen if we were to initiate an attack on the Soviet Union. That is not in the policy or tradition of the United States, and it has been so stated many, many times. Our position has always been of a defensive nature. Should some hostile situation develop, we might then find this strength indispensable. I feel the objective of this amendment is therefore entirely wrong.

Let me add that our safeguard posture should always be that if we are going to err we are going to err on the side of having too much, instead of too little. I personally hope we may never need the use of these missiles—and we will not—if we continue to operate from a position of strength in the troubled and upset world.

Mr. Chairman, our position today should be to vote down overwhelmingly the proposed amendment.

Mr. HALL. Mr. Chairman, if the gentleman will yield, I would like to point out the inconsistency in the alleged number, regardless of the source, or the "military intelligence" of the proponents, insofar as the number of warheads are concerned, as displayed before the Members here on the part of the gentleman from California and the gentleman from Minnesota.

Mr. ARENDS. Might I also add to what the gentleman has said, that when we talk about numbers we cannot forget to talk about the megatonnage, this is vitally important in thinking about what could happen with the further development of Russian missiles.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS) for 2½ minutes.

Mr. RIVERS. Mr. Chairman, I want everybody to listen to this: This amendment does one thing. It just about kills the whole ABM program. Everybody who is for waste should vote for this because almost everything we have put into this program could disappear.

Nobody—but nobody—knows what that booster was that the Chinese used to put that gadget up into space this week. Nobody knows what Russia has in these gadgets it has put up into space. I would think these two things alone would cause some people to have second thoughts. Now, how on earth can we ever have an ABM system if we do not perfect

one that works? This will allow us the capability to build the ABM. We know Russia has one.

Is it a crime to defend this country?

The gentleman from California (Mr. LEGGETT) spoke about a balanced defense. This gives it to us. This gives us an even balance insofar as a deterrent is concerned.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is or the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The Committee divided, and the teller reported that there were—ayes 85, noes 131.

So the amendment was rejected.

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

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

(By unanimous consent, Mr. GUBSER was allowed to proceed for an additional 2 minutes.)

Mr. GUBSER. Mr. Chairman, I take this time in an effort to inject cool rationality into what is becoming an explosive, emotional issue. I speak of the fast moving situation in Cambodia and along the Cambodian border with South Vietnam. Now is the time for cool heads to deliberate, to cooperate, and guard against hasty action which could complicate an already delicate situation.

I well remember the highly charged emotional atmosphere in which the Gulf of Tonkin resolution was passed. As one who supported it I can say that I would have second thoughts if I were voting on the resolution today. I believe it has been used beyond all congressional intent to justify an escalation of the war in Southeast Asia which none of us envisioned. The House should not forget what happened that day and it should not make the mistake of legislating again in reaction to powerful emotion and on the basis of incomplete information.

Mr. Chairman, I am privy to more than ordinary information regarding the situation in Cambodia and within the last 3 days have been thoroughly briefed on highly sensitive matters. Yet, I say to you quite frankly that I have unanswered questions about Cambodia and I submit that not a single Member of the House of Representatives knows the full truth of the situation.

Then there is the matter of the constitutional prerogative of the President of the United States to act as Commander in Chief of our Armed Forces. Our President will address the Nation tonight on this subject and I presume will give the world his assessment of the situation which prevails. He will make his statement on the basis of information not available at this moment in this Chamber. This House should hear what the Commander in Chief has to say before it takes hasty action which could have long range consequences.

I hold a strong personal view about what should be done with respect to



April 30, 1970

Cambodia. Based upon my present information I would strongly oppose the commitment of a single American military man to ground combat in Cambodia. I feel that the time has come to truly test the Vietnamization program. The upper delta area in so-called IV Corps and III Corps have seen what we have been told are the greatest successes in the Vietnamization program. It is my understanding that with the exception of a few American advisers military operations in these areas are almost completely conducted by troops of the Republic of Vietnam. If an operation is to be conducted against North Vietnamese troops who retreat to Cambodian sanctuaries, then the ground operation should, in my opinion, be completely conducted by South Vietnamese troops even without U.S. military advisers. If Vietnamization is working, now is the time to test it. We should not start down another road of committing advisers today, additional U.S. support forces tomorrow and a full-scale commitment of manpower day after tomorrow.

If one would look at this situation through the eyes of the South Vietnamese he could not help but understand that this is not a new war—this is the same war against the same enemy, the troops governed by Hanoi in North Vietnam. I have seen the area referred to as the Parrot's Peak and understand the terrain. Many Vietcong and North Vietnamese base camps are situated directly on the border. Frequently an attack against this enemy stops in the middle of a base camp as he gains sanctuary by moving to the western limits of the same camp. If South Vietnam on its own volition elects to utilize the principle of hot pursuit and attack these sanctuaries or North Vietnam forces anywhere else, this is their decision, but no U.S. ground forces of any kind should be employed.

Mr. Chairman, this is my strongly held personal view, but despite having been to Vietnam on three occasions, despite dozens of highly classified briefings on the subject, I say once again, I still have unanswered questions about the situation in Cambodia. Tomorrow after hearing our Commander in Chief who is the man responsible for decisionmaking in this important matter, I will know more. Today I could not in good conscience participate in another situation like that which prevailed in passage of the Gulf of Tonkin resolution where Congress abdicated its responsibility. I could not in good conscience participate in writing of law in a partial vacuum of factual information and which is a reaction to the emotion of the moment. I will not legislate for political purposes. Our duty is to legislate only in the light of truth.

AMENDMENT OFFERED BY MR. LEGGETT

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

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:  
On page 2, line 8, after the word "missiles: for the Army" strike "\$1,088,600,000" and insert "\$883,600,000".

Mr. LEGGETT. Mr. Chairman, this amendment does what I indicated earlier it would do. It relates to the \$203 million. It is included in that item on page 2 of the bill with respect to missiles. It would

take out \$203 million of the phase II item on ABM procurement.

The effect of this procurement announced by Secretary Laird the first of the year would be to construct additional sites in addition to what we authorized last year at Grand Forks, N. Dak., and Malmstrom, Mont.

It would authorize a new ABM missile base, at Whiteman Air Force Base, Mo.

It would allow for advance procurement at five other additional bases around the country, either included in this bill or will be included in the military construction bill which will be offered in relation thereto.

I believe we have to keep in mind that we are talking about a sensitive area, but we can say this, which is the fact we said in the report: The effect of the phase II add-on, adds between 250 and 300 percent more missiles than the number of Spartans and Sprints we were talking about last year in phase I.

If we can believe the rationale for the reason for the ABM system last year, then we ought to stop right there and take a look at what we have done and where we are going and such as that before we advance additional systems.

If I were the chairman of the committee, defending this system, I believe I would be a little bit concerned about the massive escalation that has occurred with respect to support for the positions opposing the ABM system.

Last year I believe the greatest number of votes we could muster on this floor in opposition was something like 45 votes. This year we have had 80 or 85 votes against the total ABM system, and I have had a great number of people approach me during the debate and say, "We cannot repeal what we have done last year, but we certainly do oppose any escalation or any add-on."

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

Mr. LEGGETT. I yield to my colleague from California.

Mr. SISK. I thank the gentleman from California for yielding.

Let me say that, as the gentleman knows, I voted against his earlier amendment because I supported the Safeguard program in its initial phase.

As I understand his amendment now, it will strike out only those funds dealing with phase II. Is that correct?

Mr. LEGGETT. That is true.

Mr. SISK. I am going to support the gentleman's amendment because, frankly, I believe there is a very strong feeling that the steps we have taken must be fully justified. I am not altogether sure I am right. I am sure I do not have as much information as the President has, or as others may have who proposed this. I recognize we are taking certain chances.

I wish to say that basically I believe the initial phase I should be given an opportunity to be in place and to at least have an opportunity to indicate what its capabilities are and what tests may show it is doing.

Therefore, I propose to support the gentleman's amendment to eliminate phase II, in the hope we can go ahead with phase I and see what happens.

I thank the gentleman for yielding.

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

Mr. LEGGETT. I thank the gentleman very much.

Of course, this is just the same kind of escalation of support I was talking about, in support of this particular amendment.

If we were really sincere in the rationale last year for the ABM system, there is no reason for the additional phase II program this year.

If Members will look at the second and third pages of my remarks in the report on the bill, on the ABM system, they will see that the rationale for the phase I is given.

The office, Secretary of Defense, rationale was, No. 1, to preserve the President's future options by establishing a minimum base for expansion if the threat requires it.

The CHAIRMAN. The time of the gentleman from California has expired. (By unanimous consent, Mr. LEGGETT was allowed to proceed for 3 additional minutes.)

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

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

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

The way it came out in his speech in the well, it sounded as though the gentleman did not realize Whiteman Air Force Base was a missile center already in existence.

Putting in these funds does not go to that purpose. Those Minutemen are already there, in silos. It is well established. This is the defensive base.

Mr. LEGGETT. To give it a multiple capability with new ABM's.

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

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

Mr. RANDALL. There is classified information which we cannot discuss, but I can say there is already a Minuteman complex surrounding Whiteman Air Force Base which is unprotected. This is the only unprotected complex in America today.

What sense does it make to start on phase I and proceed to protect our ICBM's in Montana and North Dakota and leave large numbers of our offensive strength without any protection in Missouri? Unless we proceed with some kind of a defense at Whiteman all these ICBM's would become sitting ducks. We should proceed with phase II without delay.

Mr. LEGGETT. Further analyzing the rationale from last year, we have tried to protect the options of the President, and we have protected them. To those who say that we have the SALT talks today because of the ABM, it is important to remember it is possible that that could be, but there is no reason to expand the ABM system after we have the SALT talks going.

Second, the Secretary of Defense justifies phase I to provide a means for working out problems that inescapably arise in any major weapons system. We had a debate in our committee and we heard

from no less illustrious a member than the chairman of the committee, who suggested that we get the phase I system working before we move on to the phase II program. Before we will do that, here we are moving ahead with a 250- or 300-percent escalation of the program.

Mr. Chairman, I also think this: As far as the ABM system is concerned, the official testimony before our committee concerning the ABM in Moscow—and as I understand it, they have about 67 mechanically operated radar type ABM's which are clearly of an inferior capability—the official testimony before our committee is that Moscow is less safe today with the 67 ABM's than they would be without an ABM system. Why? Because we make no secret about it that we have overtargeted our ICBM capability so as totally to account for any defense that they might provide in that area.

Mr. RIVERS. Mr. Chairman, will the gentleman yield at that point?

Mr. LEGGETT. I am glad to yield to the chairman.

Mr. RIVERS. How many ABM's did the gentleman say Moscow had?

Mr. LEGGETT. Moscow has 67.

Mr. RIVERS. And how many do we have?

Mr. LEGGETT. And they are less safe. If we had no ABM's, we would be more safe.

Mr. RIVERS. According to the gentleman's amendment, we would only have two sites.

Mr. LEGGETT. With my amendment we would have 300 percent less than we would have with this first buy procurement for the phase II program.

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

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

Mr. RANDALL. Mr. Chairman, the very first thing we should settle is to correct the statement made by the gentleman from California who just left the well. He said we were starting a new development at Whiteman Air Force Base. That is not true. It is an old B-47 base and later a B-52 base. The base has been there for several years. The birds have been put in silos in a circumference around this base. I refer to our Minutemen ICBM's.

Frankly, with regard to some of the comment that the gentleman made a moment ago, if there is any validity at all to them, about his concern for the cost of operation of the Safeguard system then he should agree that Whiteman is the ideal place to locate a Safeguard unit. The base is well preserved—with ample facilities to house personnel to operate Safeguard. This is the place it should be located, because these ICBM's are altogether unprotected. There is quite a substantial number of them in this area. The Minuteman complex at Whiteman Air Force Base near Sedalia, Mo., is the only major ICBM complex in America today that is unprotected by a defensive missile system.

The gentleman from California spoke about a balanced defense system balanced between the sea and the air. I suppose I should not go into this, but maybe

we should balance this thing out. Maybe at the moment there is a need for reduction in some of our naval shipyards—for instance at Mare Island—but that is not the real issue before us now. We are talking about establishing a new unit of the Safeguard system. There has been some talk during this debate about waste in the military. If the gentleman's amendment prevails, it will result in some real waste. There will be big cost overruns because the postponement of the decision to authorize modified phase II would increase both the costs and the risks to the United States. It is estimated that a delay of 1 year could add another \$300 million to the total acquisition cost if this system is later approved. This is the kind of an increase which always occurs in a stretch-out.

What the gentleman proposes would disregard the best source of military intelligence which is the Commander-in-Chief and he is your President and my President. It would disregard the warning from what the Chinese did a few days ago when they orbited a satellite and what the Russians did a few days later. It should be kept in mind that the Safeguard program, all of it, has been based on what we call a phased development. The President and the Secretary of Defense are ready to stop this if the threat reaches an acceptable risk. But there is no indication that the threat has reached an acceptable risk. The opposite evidence exists, as a matter of fact, and in the past year the risk from the Chinese has increased and the same is true as to the Soviet Union. If this situation turns around to the good and the risk should for some reason diminish, then, of course, we could suspend further deployment.

Mr. LEGGETT. Will the gentleman yield?

Mr. RANDALL. The gentleman had 8 minutes. I will yield briefly in a minute. I anticipate not taking too much longer, but I may have to ask for some more time.

Let me repeat, we can always stop the deployment of the Safeguard missile. But if we lose time now, we will never get that time back again. It is just that simple. For example, if we expect to have any kind of a system deployed and operational by the mid-1970's when the threat would stand at an unacceptable level if the Chinese Communists proceed, at their present pace which has been admitted to even by those who even oppose the deployment of this system.

But if we delay today, if we delay the earliest possible deployment of phase II—then we are really going to be losing not 3 months, or 6 months, or a year but perhaps, as much as 2 years time. If we follow such a course we will be losing too much time. That is the issue before us today. Can we afford to lose time that can never be regained?

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

Mr. RANDALL. I yield briefly to the gentleman and hope the gentleman would return the courtesy sometime.

Mr. LEGGETT. We are talking about this massive escalation. I believe we brought out a minute ago the fact that

there are around Moscow 67 launchers, which is the ABM system. There is no doubt about it, we have recognized but we have authorized more launchers than that in our phase I program. So we beat them without the phase II program. With the figures which we have here and which have been submitted by the gentleman from Minnesota, we have already beat them on ICBM's 9,000 to 1,000.

Mr. RANDALL. Let me interject. I would like to be able to use a little bit of my time. As I understand the figures offered by the gentleman from Minnesota, they presumed all of our ABM's were MIRVed. However, all he described are not MIRVed at present. Moreover, as I understand either the gentleman from New York or the gentleman from Minnesota will offer an amendment to strike out all funds of MIRV or ABM's either sea based or land based.

Mr. Chairman, the figures showing such a large increase in our ABM strength is thus not only misleading but quite false and fallacious. Then also let us not forget the gentlemen who show what strength we will have after MIRV are the very same ones who will try to amend this bill to strike out all funds for MIRV. This is a curious and I may add deceiving way to debate the issue.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some time to close debate on this amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto terminate at 1:30.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

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

Mr. FISHER. Mr. Chairman, I associate myself with those who are opposed to this amendment. This identical debate on the same subject matter was thoroughly covered right here last year with the same people being present. There has developed, as we all know, in recent months a very determined drive in this country designed to undertake to weaken our defense structure. In my judgment it is of such serious proportions that we must take note of it. I think this is an example, this and a number of other amendments.

Actually, one would almost be tempted to think that the armed limitations conference instead of being held in Geneva is being held here in the House of Representatives with the wrong people calling the shots.

It is time, Mr. Chairman, that we take note of this trend and vote this amendment down.

Mr. Chairman, I desire to also discuss the F-111.

The bill has already been well explained by Chairman RIVERS and others and I will therefore restrict my remarks to a brief discussion of one element of the bill. I am referring to the F-111. I have had assigned to me some respon-



sibility with respect to this aircraft and I have devoted a substantial amount of time to informing myself on this very important matter.

Let me begin by saying that unfortunately a proponent of the F-111 starts his case not at the bottom rung of the ladder rather but down in a hole somewhere below it. Before he can give information he must dispel misinformation. One does not start even, so to speak, when talking about the F-111.

An example of what I mean is that I have found wholly intelligent people—even Members of Congress—people for whom I have the greatest personal respect, who believe—I should say who are wholly convinced—that the F-111 has a very bad safety record. Not just a bad safety record but a very bad one. It is almost impossible to convince them that this is not so because in overcoming misunderstanding of the safety record of the F-111 one is not faced with the usual case of persuasion on the basis of mere fact. One instead is faced with the much more difficult job of overcoming a prejudged, preformed bias, an "I already know" attitude on the part of the listener. Unhappily, however for those who have been opposed to the F-111—for whatever reason—the statistical facts are unavoidable. They leave no room for argument. They are official Air Force figures. I am fully aware that I do not have here today the difficulty I have discussed, but I do think it wise to mention it. And I cannot help but be reminded of Finley Peter Dunne's "Mr. Dooley" when he said:

It ain't what people don't know that hurts them, it is what they do know that ain't so.

I would like to speak briefly about the military requirement for the F-111. This is the prime consideration, and indeed the only one. I do not hold myself out as one capable of making this judgment, although my deep interest and intimate association with the F-111 since its inception do cause me to be not uninformed in this respect. For judgment as to need we must go to the military and civilian leaders of the Department of the Air Force. And in order that my remarks about the national need for the F-111 can be presented in a context that is both understandable and persuasive I will ask your indulgence while I quickly cite a few authorities whom I know this committee considers to be just that.

First, I will quote Dr. Harold Brown, until recently Secretary of the Air Force and, incidentally, previously Director of Research and Engineering for the Department of Defense. This is what Dr. Brown had to say about the F-111:

We believe that the aircraft is capable of performing and will perform a task, a vital task that we can't do any other way.

And Dr. John S. Foster, the present Director of Defense Research and Engineering who said just last year:

The F-111 has more range . . . than our other aircraft . . . higher navigation and bombing accuracy . . . probably more accurate than any other in our inventory.

And Dr. Seamans, the present Secretary of the Air Force, who says:

The F-111's great unrefueled range enables it to strike targets much deeper in enemy territory than any existing fighter.

And former Chief of Staff of the Air Force McConnell's statement:

The F-111 possesses the best night and adverse weather bombing capability of any of our tactical attack aircraft.

The present Chief of Staff of the Air Force, General Ryan says:

The F-111 is now coming into its own as the best fighter attack aircraft in the world for the task of all-weather, deep interdiction.

These statements need no amplification and, while they speak most specifically of capability, they implicitly embody the need for the F-111 in the light of today's world and the threats of today and the future.

I suggest that to define need or requirement one first looks at the threat, and second, at the means for countering that threat. So the question is: Have these means been achieved? Let us look at what the planners wanted. The planners sought an aircraft that would be capable of being deployed to austere bases, be capable of all-weather bombing, of penetrating enemy territory at supersonic speed and carrying either conventional or nuclear weapons. The aircraft would have to be able to take off and land on short and unimproved runways and be virtually perfect in its navigation, and therefore bombing accuracy. As for penetration of enemy territory there was, and is, only one way to do this and that is to have an aircraft that could hug the contours of the earth even while traveling at supersonic speed.

Aircraft on a bombing mission, even in an atmosphere where air superiority is not in question, such as in Vietnam, require the accompaniment of a number—sometimes a large number—of other aircraft to perform essential collateral actions. There is no such requirement with the F-111. They go it alone.

And the number of aircraft available to our forces by itself becomes meaningless if bad weather or lack of daylight prevents them from flying and bombing with accuracy. There are no such limitations on the F-111. Night or day, bad weather or good weather, the F-111 flies and bombs with pinpoint accuracy.

Virtually all aircraft can be detected by enemy radar. By the time that radar, or the human eye, has seen the F-111 it is already too late.

And coupled with all these enumerated capabilities the F-111 travels two times the distance with three times the load of bombs of our other aircraft.

As we all are aware, the F-111 has had actual tactical, operational experience in Vietnam. The detachment of F-111's that was deployed to Southeast Asia and which flew over to combat missions before the bombing of North Vietnam was discontinued. All of the missions were flown at night and 80 percent of the missions were in weather so bad that other aircraft were not operating. I will draw particular attention to the fact that on these missions the bombing accuracy was better than that being realized on daylight visual missions of other aircraft. Also the enemy initiated defensive action on 88 percent of the missions but no F-111 was hit. These operations clearly established the feasibility of low-altitude penetration and all-weather bomb delivery.

As you know, three F-111's were lost in Southeast Asia but none of these losses was due to enemy action. The suspected cause of these losses was later discovered and fixed in the F-111 fleet.

I hope that the foregoing is an adequate presentation of both the need for and the capability of the F-111. And I will point out that every one of these statements is fully agreed to by the U.S. Air Force.

Next, I would like to speak of costs.

The charge has been made that the F-111 has unreasonably increased in cost. This is a matter with which we have all become very familiar; an increase in cost of aircraft from the time of the original estimate until the aircraft get into our inventory.

The F-111 has indeed increased in cost, but when the details of these increases are understood they appear very much less serious. At the beginning of the F-111 program the belief was that there would be something over 2,400 of these aircraft produced and, quite importantly, there were to be only two versions of the F-111. You could say three versions, but two of them were so much alike as to make little difference between them. So, there was a production plan of some 2,400 aircraft and in only two versions. Obviously, this would make for great efficiency and an almost ideal learning curve. Together these two elements would virtually insure relatively low cost. But—as it is a very big "but"—the 2,400 aircraft became something around 600 aircraft, and the essentially two versions became seven versions. The planned monthly production rate of 49 became a monthly rate of eight aircraft. Add to these considerations some concededly faulty estimating on the part of both the manufacturer and the Air Force, an unforeseeable increase in the rate and extent of inflation, and a number of lesser matters, and the efficiency and almost ideal learning curve that I referred to becoming almost the reverse of that.

Both need and capability are, I submit, established by the fact that those most capable of making judgment in this respect—I am referring to the leading military and civilian people in the Department of the Air Force—have consistently requested a greater number of F-111's than the Office of the Secretary of Defense has permitted to be requested of this Committee. In plain words, if they do not know, who does?

Mr. Chairman, the F-111 has had its troubles. For the very advanced aircraft that it is, it is a wonder that it did not have many more. And for reasons that I think are apparent to all of us, these troubles—actually in number and kind no more than any other of our aircraft—have been the recipient of an almost obsessive interest by the press. It may seem a little strange to use the word "justice" in relation to an airplane, but if any aircraft or any military development has been more subject to injustice in the press, and elsewhere, then I am unfamiliar with it.

Perhaps all of this was inevitable, given the turbulent context of the F-111's genesis, the difficulty attendant upon its birth and the strongly expressed feelings of some of its parentage, but my own view is that it is pretty hard to success-

April 30, 1970

fully maintain that a jewel that looks like a diamond, and that the experts say is a diamond, and which cuts materials that can be cut only by a diamond, is not actually a diamond. If the F-111 had troubles, so did every one of our reasonably advanced combat aircraft. And not one of them that emerged into our inventory has anything approaching the capability of the F-111.

Mr. Chairman, although almost everything I have said has application to all versions of the F-111, I would like to make one specific and very important reference to the FB-111, the strategic bomber version of the aircraft.

Over the years we have all heard reference to the matter of assured destruction by our Strategic Air Command. It is not my place, but of course it is most assuredly the place of this committee, to make judgment with respect to the size and composition of our Strategic Air Force. I think it is not inappropriate for me, however, to suggest that the present limitation of only 76 FB-111's for SAC poses a very real possibility that there will be in the very near future a very serious gap in our assured destruction capability. I state this in the light of the age of even the newest of the B-52's and the point in time at which the advanced manned strategic aircraft, the B-1, will come into our inventory.

One last thought, Mr. Chairman. We have invested over \$6 billion in the F-111 to date. Something over \$1.5 billion of this is in material now awaiting use in the building of additional aircraft. For this amount of money—over \$6 billion—we have 230 F-111's. For almost exactly \$1.5 billion we can acquire 324 more of these superb aircraft. Accepting the unequaled capabilities of the F-111—the only aircraft specifically mentioned by the Soviets in the SALT talks—sheer economics would dictate that any course other than the continued procurement of the F-111 would verge on irresponsibility. We have already spent the big money.

Mr. Chairman, it is time that the F-111 is approached with what I will call an aggressive sanity. The picture of this extraordinary aircraft as it has been portrayed is not, of course, the result of calculated imprecision—there has been no "conspiracy" against the aircraft—but had there been a careful, conscientious, coherent and dedicated effort to the end of deprecating this aircraft out of existence it could not have been very much more successful than what has been done through apparent inadvertence.

I earnestly urge the support of the whole House for the closely studied programs which are contained in this weapons authorization and research and development bill.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, when we authorized phase I of this Safeguard system last year, we do so with the understanding that we would give to the President of the United States additional options some time in the future, whenever it was determined that the threat to the United States made expansion necessary. It is enlightening to me today, as it was yesterday, to sit here

and listen to predictions about Russian intentions. But how any man who reads the newspapers can possibly believe that the Russians are not expanding their threat is beyond comprehension to me.

We cannot continue to prostrate this country before the Russians or the Chinese. We should expand our ABM system now as the President proposes.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

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

Mr. BINGHAM. Mr. Chairman, this amendment is aimed to prevent the kind of escalation of the Safeguard ABM program that was predicted last year. We said last year, those of us who were opposing this program, that it was going to grow. We now see that very thing happening.

If this amendment is not agreed to, the ABM will grow further until it becomes a monster, devouring resources which we can ill afford, and providing in the long run no security to this country, because it will surely lead to offsetting responses by the other side.

When will we begin to accept the fact that there is not just one kind of security, based on arms? There is another kind of security, and that kind of security is based on mutual restraint, on balanced deterrents, and on the agreements that we hope will come out of Geneva.

The question is not whether we want national security; the question is how we get national security.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California.

I would make clear at the outset that I have resisted and will continue to resist the blandishments of those who urge unilateral disarmament on the part of the United States because I see no evidence on the Communist side of a disposition to follow this sort of moral initiative. To the contrary, the evidence is that in the current phase of the international arms race, the Soviets are not merely setting the pace but setting a very brisk one indeed, particularly in the stepped-up deployment of their SS-9 intercontinental ballistic missiles. I think it would be wishful thinking, therefore, to pretend that we can, for the time being let our guard down. At the same time, I believe it not only possible but mandatory to make rational choices even in what is essentially—and tragically—an irrational preoccupation of civilized men.

Mr. Chairman, once again we face a whopping appropriations request for defense and once again it involves the making of hard choices. As always, this means hard economic choices because the "guns versus butter" analogy continually reasserts its truth on our judgments—as it seems to be doing with par-

ticularly disturbing effects at this very moment.

We are faced also with the necessity of hard moral and philosophical choices as well. I need hardly remind anyone in this Chamber that sustained high military budgets at the level proposed in H.R. 17123 imply a continuation of the emphasis on naked military power which is somehow alien to the concept held by most Americans of American traditions. The youth who are expected to man, and, if need be, use this awesomely destructive hardware, that it is proposed that we buy, are increasingly the segment of our society most alienated by the implications of these and associated actions undertaken by the Congress.

Finally, there are hard choices to be made in the matter of simple survival in a still polarized world armed to the teeth. In such an atmosphere, one unilaterally disarms himself at his own peril.

It is truly unfortunate that the problem of reconciling all of these difficult choices must inevitably involve making complex judgments of some very sophisticated and technical proposals. Many will simply defer to the "experts," overlooking the fact that all too often the experts themselves have shown some grievous lapses of judgment. In some cases, in fact, they admit—as the outgoing Chairman of the Joint Chiefs of Staff does on page 22 of the report—that important judgments cannot be made at all and that it is necessary, therefore, to "cover all bets." In this case it involves sustaining, through enormously expensive modernization programs, duplicate air arms committed to essentially the same strategic tasks—one on land and one at sea. The possibility that one may have a distinct competitive edge over the other—becoming in the parlance of the defense experts more "cost effective"—studiously ignored and instead we are distracted with arguments for such "redundancy," another favored word of late in the lexicon of defense planners. What we would have considered in another day as unforgivable "gold plating" has now become "redundancy" and, furthermore, a military virtue.

My point in all this is that someone is going to have to make these hard judgments and for the moment the "ball is," so to speak, "in our court." One cannot agree tirelessly with his constituents that our national priorities are badly awry and that defense spending is at the heart of the problem—and hold forth a defense appropriations bill which pares off a minuscule seventeen one-hundredth of 1 percent of the total that the administration has asked for—and not incidentally, apparently everything the Pentagon could possibly have hoped for.

Against the background of the imperatives as I see them, I am forced to make some necessary judgments. The first of these concerns the highly controversial ABM system which, in my view, should never have been given the go ahead in the first place and which at this time certainly does not merit my support in the matter of the \$665 million being requested for Safeguard procurement. There is sufficient "redundancy," I think, guaranteeing the survivability of our

strategic retaliatory forces, in 1,054 ICBM's, the bulk deployed in hard-to-hit underground silos, in 41 Polaris-firing nuclear submarines in the trackless depths of the ocean and, finally, in 255 nuclear-carrying strategic bombers dispersed at airfields around the world. The problem of mounting a credible first-strike capability against this force is, in my view, sufficiently complicated without ringing three ICBM missile fields with the Safeguard system.

In passing, I might add that I am not dissuaded by arguments advanced favoring matching the Soviets missile for missile and plane for plane. Neither "parity" nor "superiority" should concern us in these considerations: only considerations of strategic "sufficiency" should. In a world where there is weaponry enough to kill at least twice over every man, woman and child on the face of the globe, "parity" and "superiority" have lost whatever meaning they may have once had.

It is logical that I oppose not only the procurement proposal for the basic Safeguard system but the proposal to enlarge the deployment to a phase II level. Bigger is not necessarily any better. All of us ought to be wary of any proposal that has gone through as many planning convulsions as this one has in slightly less than 2 years. Just as there appears in the report to be some lack of unanimity among the service chiefs on the need for more nuclear-powered aircraft carriers, there appears to have been a great deal of difficulty encountered in their arriving at a consensus on what they desired in the way of missile defense. It has been reliably reported that neither the Air Force nor the Navy preferred the option to protect Minutemen ICBM's in their silos and that the Army was not particularly enthusiastic for the mission in the first place. One wonders, then, why we are proceeding in this direction.

As "Nike X," the Joint Chiefs of Staff originally proposed that populations in 27 selected cities be defended against Soviet attack. As "Sentinel," Mr. McNamara proposed instead that a "light" defense of the entire population of the United States be provided solely and exclusively against a developing Chinese threat. As "Safeguard" it was proposed by President Nixon a few months after assuming office that Minuteman ICBM's in their underground silos be protected against Soviet attack. Now for a few billion more, it is proposed that with "Safeguard phase II" we can do both—protect ICBM's from Soviet attack and people from Chinese attack. One has the instinctive feeling that more heat than light is being generated in all this feverish activity.

For this reason I am supporting the amendment to strike Safeguard procurement funds and, failing this, the amendment to foreclose the phase II extension of Safeguard.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts, Mr. KEITH.

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

Mr. KEITH. Mr. Chairman, when de-

ployment of an ABM was first voted on by this House in 1968, I was one of the few on this side of the aisle who raised questions about the wisdom of such a step. However, at that time, and again last October, I supported deployment of a limited system, largely because it would give us the added technological know-how upon which we could base future decisions about expansion of the program. Additionally, I felt that phase I of the Safeguard system would prove to be a valuable bargaining card at the SALT talks—and perhaps it has been.

Now we are being asked to expand that limited system of two sites to include an additional ABM base and advance work on five others. Such an expansion at this time, I believe, is unwise. The enormous and escalating cost of this system and the fact that the original two sites are not yet operational or tested, lead me to question the advisability of authorizing phase II. The marginal increment in security which it would provide does not justify the expenditure of an additional \$203 million.

Without further involving myself in the technological arguments on this question, I would point out that the ICBM's protected by phase I, linked with the capability of our Polaris fleet and our manned bombers, should adequately deter any Soviet first strike. As far as the Chinese are concerned, the unquestioned superiority of our nuclear forces, with or without an ABM, clearly provides an adequate deterrent against nuclear aggression or blackmail should Peking acquire a deliverable nuclear weapon.

Mr. Chairman, I do not believe that expansion of the Safeguard system at this time will enhance the chances of success at the Vienna SALT talks. What should impress the Soviets and make them more amenable to bargaining is not the size of our ABM program but rather the fact that it exists and that we have the technological capability of expanding it if circumstances require such steps. Indeed, a show of restraint on our part at this time might underline our good faith as we establish our bargaining position at Vienna. It certainly could not be interpreted as a sign of weakness in view of our past resolve in facing up to the challenges of the Soviet nuclear arsenal.

Mr. Chairman, the time has come for the Congress to show more prudence as it exercises its powers of authorization and appropriation in the field of military weaponry. Excessive cost overruns, the danger of obsolescence and the apparently hopeful developments in Helsinki and Vienna dictate that we move more deliberately in the future as we procure military hardware. Phase II of Safeguard, in my view, is a good place to begin exercising that restraint.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

(Mr. THOMPSON of Georgia asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in opposition to this amendment. Not only do I rise in opposition to the amendment, but I want the Members of this body to know that the

gentleman from Georgia will not feel safe until we have an ABM shield for our cities as well as our missile sites.

Mr. Chairman, I do not trust the Russians, and until there is concrete evidence that they are willing to cut down their offensive capability, I have no intentions of cutting down on our defensive ability in this country.

The gentleman made the comment a moment ago that Moscow is worse off because there are 67 ABM's protecting it. But I would like to make this point: that if we have to overtarget to get to Moscow because of the interception of our missiles by their ABM, then, because of this, there would be other areas in the Soviet Union that would be safe because the missiles we would otherwise have used on those places would then be going to Moscow. This is the sane approach, and I am for defending and protecting the people of our country, and not for placing my faith and confidence in the Russians.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I would only like to emphasize that phase I of ABM will put in place many, many more launchers than the Soviets have around Moscow. The number of launchers is classified, but I think it is safe to say that they will substantially exceed the number in place around Moscow today.

I am a little surprised at the reaction I get from some Members of the House when I display in front of them figures submitted by the Pentagon for the public record. They act as though this is an act of treason or subverting the Republic by publishing the Pentagon figures.

The figures I have published are effective as of February 1, 1970. I have the hearings right here and it says as of February 1970, the operational ICBM's of the Soviet Union are over 1,100.

Those are the figures I have on my chart. If in 60 days there has been some dramatic turn-around—which is totally incredible—I have yet to hear of it.

The reason why it is incredible, of course, is that we know of the launchers under construction. We know ahead of time what is coming out. But this is the figure that is operational and these are the figures I have used on my chart throughout.

I do not understand why people get up and announce in such a loud voice that I am misleading the House. I am only trying to bring to them some facts that I think are very much worth reading.

But the posture statement is in the hearings and it lays out very clearly that the Soviets appear to be on a declining rate in ICBM construction.

[Mr. PIKE addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

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

At this point in the debate we are

April 30, 1970

pretty much back where we were in the discussion of last year. We hear again the arguments as to whether Safeguard will work or not. That is, whether it will be effective. The fact remains that there have been repeated tests since the authorization and appropriation of last year and the fact also is that the great majority of those tests have been successful.

Last year we were talking about a billion dollars to deploy phase I of Safeguard. The gentleman's amendment today involves a total of \$203 million.

To those who say that the ABM will not work, I would say I am not so much concerned about whether they are right. But I am concerned if they are wrong. Because if they are wrong, we are going to wake up without any ABM system of any kind and be subject to pure and simple nuclear blackmail. So today we are talking not about a billion dollars but of \$203 million. The issue is the expenditure of an x number of dollars as against the security of this country. If those who oppose the Safeguard are right then we will have lost some money—or we will not have lost it completely because as the tests continue we will have gained more knowledge to make the system ultimately workable.

But, if the opponents are wrong and the system was workable then we would be in pretty bad shape without it and they are asking all of us to do without the Safeguard at our own risk.

Mr. Chairman, There is the issue. As our distinguished Speaker said last year if we are to risk error let us err on the side of the security of this country.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the amendment relates only to modifying the procurement amount. It is \$203 million. It does not preclude us from moving ahead with the phase I program that we authorized last year. Former Secretary of Defense McNamara said a few years ago that the danger of providing this relatively light but reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented system. Last year we expanded it into a light Soviet system. Now we are moving to a reasonably heavy system at the present time.

The PAR—perimeter acquisition radar—that support this total system can be knocked out. There are only 12 PAR in the whole ABM system. Then they could be knocked out by 12 Shillelaghs or Tow missiles. If anyone can feel safer under this system, they certainly do not know the international facts of life that prevail at the present time.

I do not think that the escalation on the part of the Soviet Union from 200 SS-9 missiles in 1966 to 235 missiles at the beginning of last year and 255 missiles at the time we heard this bill last year and now escalating it to 275 this year dictate that we move ahead with this multibillion-dollar system today.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

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

Mr. HALL. Mr. Chairman, if one considers the question of credibility as brought up by the proponents of this amendment, one wonders wherein we differentiate between hope on the one hand and truth insofar as military intelligence and the security of our Nation are concerned, on the other.

I think the song has pretty well been sung. We have a technically feasible defensive means. We know what the opposition is doing in their singing satellite from Red China and the multiple capability of delivery of Red Russia. The thing that needs to be emphasized in our capability is technical feasibility, which has been proved regardless of all the soothsaying that has been stated here on the floor, some out of context and others, I feel, wilfully with half-truths.

Finally, it will save American lives with us in a purely defensive posture. I am for saving those lives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I oppose the amendment with all my heart. I think it must be recognized that our committee studiously went into this whole matter. We in the committee collectively believe, without partisanship of any kind, that this is the best thing to do in the interest of the American people, for our security in the future, and to be ready for any eventuality.

I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I thank the gentleman from Illinois for yielding.

Mr. Chairman, I want to set the record straight today.

The New York Times, 2 days ago quoted Representative DONALD FRASER, of Minnesota, as saying the Pentagon's own figures prove the Russians have slowed down their production of strategic nuclear weapons.

I am afraid the gentleman allowed the wish to be the father to the thought.

The fact is that the Soviet Union continues to increase its production of ICBM's at a constant pace.

In 1965 the Russians had about 220 ICBM's. In 1966 they were up to 250. Then they really took off. By 1967 they had a little over 500. From then on the graph shows not a curve but an almost straight line slanting upward at a rate of increase of about 180 ICBM's a year.

I should point out, though, that it deals only with ICBM's. When it comes to ABM's they have 64; we have none. Other figures show they are rapidly increasing their numbers of submarine-launched ballistic missiles.

The facts are plain: the Soviet Union in some areas is rapidly reaching parity with the United States. In other areas it has gone beyond us.

The gentleman heads the Democratic Study Group. I would suggest the group spend more time at study—unpleasant as that may be—and less with its collective head in the sand.

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

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, this is \$200 million. What does it do? What does it do? The gentleman from Minnesota spoke about numbers of missiles. Not once did he mention megatonnage; not once. He did not mention MIRVed missiles. Russia has more megatonnage, and I positively believe they have the MIRV missile.

This amendment for \$200 million improves your Sprint missile. You get more Sprint missiles for the existing bases. You build one other base and put in your long lead items for five others. It does not take an adult to know that with only two bases they could saturate them and church would be out. Unless you start, you will never get started. It is as simple as that.

For the want of \$200 million, you might lose the ball game, and that is what the question is all about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The question was taken, and on a division (demanded by Mr. LEGGETT) there were—ayes 48, noes 89.

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The committee again divided, and the tellers reported that there were—ayes 86, noes 128.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. NEDZI

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

The Clerk read as follows:

Amendment offered by Mr. NEDZI: On page 3, line 16, after the comma, strike out "\$2,909,700,000" and insert "\$2,809,700,000."

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

(By unanimous consent, Mr. NEDZI was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for 8 minutes in support of his amendment.

Mr. NEDZI. Mr. Chairman, this amendment strikes \$100 million from the R.D.T. & E. funds for the Air Force. This is the amount in the bill provided for the B-1, formerly known as the AMSA—this is the go ahead for the new manned bomber. For years we have determined that a new manned system is not necessary for our national security. There is no evidence that the Soviets are developing a new heavy bomber. There is evidence that they are developing a new medium bomber, however, to quote Secretary Laird on page 105 of his unclassified posture statement:

The intelligence community believes that medium bombers do not figure prominently in Soviet plans for an initial attack on the North American continent.

While the amount in this bill appears



relatively modest, the fact of the matter is that this authorizes the Air Force to enter into procurement agreements for five prototypes which are presently programmed to cost \$2.3 billion. I emphasize programed because we are all aware of what happens to programed costs.

Mr. Chairman, we are presently involved in the strategic arms limitation talks, SALT talks, in order to determine whether arms limitations are feasible. Some may argue, as do some proponents of the ABM, that we need this authorization as a bargaining chip. They argue further that we can abandon our program should there be success at the talks. Of course, there would be closing costs—it is obvious, however, that the further along a program, the more it will cost to close it out. Not only will it cost more, but it will be so much more difficult to stop this program because of the intrinsic momentum which weapons systems develop. Weapons program advocates develop a proprietary psychology which increases the enthusiasm with which they support a system which they have once sold to their colleagues or the public. It is difficult for one to admit an error in judgment and reverse course. Add to this the vested interest which defense contractors develop and that of their employees, usually represented by influential labor unions, and you have a momentum which can be braked only in a very slow and costly manner as was the case with the B-70 when we built 2½ aircraft at a cost in excess of \$1½ billion.

I am deeply troubled, Mr. Chairman, by the double standard which our Secretary of Defense uses in appraising the international arms race. His emphasis on Soviet capabilities as opposed to intentions is understandable and justifiable. However, his sweeping review of new Soviet deployments skirts the fact that we are still far ahead of the Soviets and that they have a corresponding desire not to be a second rate military power. If "sufficiency" is our policy, we must define it—for if it means superiority then we may just as well face the fact that no nation in the world with the "capability" is going to sit still and permit this kind of condition to persist without international agreement and the impact on the arms race is obvious.

While Secretary Laird views Soviet deployment as developing a "first-strike capability," he assures the world that our ABM deployment is defensive—avoiding the fact that an effective ABM has a very significant "firststrike" role in that it could protect us from any missiles not destroyed in a first strike. The world is expected to rely upon our word that MIRVing our missiles, both Minuteman and Poseidon, is defensive. The world is expected to rely upon our word that the development of an ULMS—underwater long-range missile system—is defensive; that the procurement of a new fighter for the Navy and for the Air Force is defensive; that the capability to deploy enormous quantities of men and materiel around the world in the C-5A is defensive; and that the deployment of a new manned attack bomber—the B-1 is defensive. Can we fairly expect the world

to look to our intentions and not our capabilities?

I have avoided getting into the technical details of the B-1 since the new "open news policy" described by my colleague (Mr. PIRKE) has imposed certain constraints. An unclassified comparison of the FB-111 and the new B-1 furnished upon my request by the Air Force has all the pertinent B-1 data deleted and the House must again have faith in the expertise of the majority of the Armed Services Committee.

In summary, there is testimony that our B-52's, and I appreciate how old our B-52's are, but let me remind the House that \$100 million is in this bill for SRAM's for their modernization, and FB-111's will be effective into the late 1980's. We have awesome deterrent power in our Minutemen and Minutemen III being added to the inventory—we have an invulnerable deterrent in our Polaris and Poseidon submarines. We boast about our capability to destroy sophisticated incoming missiles and yet we are expected to believe that another nation does not have the capability to destroy incoming manned aircraft.

The B-1, Mr. Chairman, is not essential to our security—its ability to perform a meaningful role in our defense posture is extremely skeptical—its effect on the arms race cannot be salutary, and it has all the earmarks of another expensive mistake at a time when there is a pathetic requirement for resources in other areas.

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

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

Mr. ARENDS. It seems to me that the gentleman has left the impression that we want to go on the offense with some of our weapons. However, the gentleman should recall what has taken place in Vietnam. As you know we have followed a defensive pattern in Vietnam. We have exhibited our bombing. We have not used nuclear warheads.

Mr. NEDZI. I had no intention of suggesting that we do intend to go on the offense. However, we do have the ability to go on the offense. I think we are using a double standard when we fail to consider our capability. They have no way of knowing our intent. I think what is good for the goose is good for the gander.

Mr. ARENDS. And, if the gentleman will yield further, we, of course, have no way of knowing or determining what Russia's intentions are for the future.

Mr. NEDZI. Nor do they have any way of knowing what our intentions are.

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

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

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

Mr. Chairman, if ever there was an ill-timed amendment, it is this amendment. The distinguished gentleman who offered the amendment has listened to the story for the need of the so-called follow-on bomber for 7 years. He has

been one of the most devoted members of the committee. We have had exhaustive hearings on this matter. He has told us many things which, apparently, would be very significant if the sugar was taken off the top of the cake.

The things he has not said are the things that are important.

The gentleman has not told you that over \$140 million is already invested in the research and development of an AMSA. He has not told you that when the last B-52 goes out of existence, it is the last of the strategic bombers. We have no follow-on. He has not told you that the Joint Chiefs unanimously have advocated the development of a bomber, against the resistance of the former Secretary of Defense Mr. McNamara.

Mr. Chairman, the gentleman from Michigan has not told the Members of the committee that the B-58 has been phased out over the objection of the military by the former Secretary of Defense. He has not told you the answer as to what will be the situation if we do not have a follow-on to the B-52. In other words, we will have no mixed strategic force.

Mr. Chairman, I am sure no one in this body would want to have all our eggs put into one basket. The greatest offense or defense, whichever one you want to take, is to be found in the fact that we have a mix in our strategic inventory.

Mr. Chairman, the gentleman suggested that the bomber can be mended, modified, or tied up with wire, in effect, and perhaps last a little bit longer. However, that is like asking one to rehabilitate a 90-year-old man. How many times can you fix him up to continue life?

Mr. Chairman, the B-52 is running out of time. Unless we proceed with this particular advance we will have no successor to the strategic bomber.

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

Mr. HÉBERT. I yield to the gentleman from Michigan.

Mr. NEDZI. Are we not purchasing the FB-111?

Mr. HÉBERT. We are, and I am glad the gentleman asked me that question.

Mr. Chairman, the F-111 has been cut from 264 to 76. But the most important thing about the F-111, as the gentleman knows, it was never to have been conjectured in any manner, shape or form to replace the B-52. It was only at best to have been an interim bomber while the follow-on was being developed.

The gentleman I think knows this. The gentleman sat in the committee, and he has heard all of this.

Mr. NEDZI. The gentleman knows that the Air Force has commended the aircraft as being a fine airplane.

Mr. HÉBERT. The gentleman admits that the Air Force has commended the F-111 as being a fine airplane to do the job for which it is intended to do, but it was never held up as a follow-on bomber.

Mr. NEDZI. But it is expected to be in the inventory until the late 1980's.

Mr. HÉBERT. In the late 1980's the B-52 will be 27 years old.

Mr. NEDZI. The F-111.

Mr. HÉBERT. But only 76 aircraft at the most. How long does the gentleman think you can have an interim airplane, and how long does the gentleman think you can have an interim bomber? You cannot have them forever.

Mr. NEDZI. For as long as it does a good job.

Mr. HÉBERT. Maybe the gentleman has some new formula of everlasting light and power for fixing up a 90-year-old man forever. But I do think it is important that we do have this bomber which, incidentally, can only be purchased after it flies. It is a fly before you buy program. I suggest that any thought or any suggestion of stopping this particular plane at this time is ill advised.

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

Mr. Chairman, I would like to point out to the Members that buying a bomber is not the same as going to a hardware store and buying a hammer. There are many years of developmental work involved in developing a bomber. We do not know whether we will ever have a need for this bomber, and everybody in this body hopes that we will never have to use the bomber.

However, I would like to point out that in 1961 Secretary McNamara stopped all development on the long-distance bomber. He also refused to build any more bombers. He stopped all production on the long-distance bombers we had; that is, the B-52's and B-58's. In fact, this body for 2 years after that, authorized and also appropriated money for these bombers. However he refused to use the money.

Secretary McNamara's philosophy, as we all know, was that if you had a deterrent, a massive deterrent of many, many missiles that could destroy this city or that city, that we would not need a manned bomber. I for one do not want to come to the place where the only defense that we have is massive destruction by the use of ICBMs. So for that reason we do need a bomber, but whether we might need to use that bomber no one will ever know for certain. We hope not.

The Russians are developing a bomber. It is not as large as this bomber, frankly, and not as good as this bomber will be, I hope. But if we approve this amendment we will place ourselves out of the development of a long distance bomber. If this amendment is carried, would do, would be saying to ourselves, that the only defense to an enemy action would be surrender, or resort to massive retaliation, and all the destruction that such action would bring.

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

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

Mr. HUNT. Mr. Chairman, I want to commend the gentleman from Indiana for his observations, but I would like to supplement his thoughts with this: that about 10 days ago we were apprised by the press and by intelligence sources that the Russians were conducting massive operations off the northern part of their country, were using all of their bombers and using refueling techniques, and enlarging their runways, and so forth.

So in the case of any hostilities, or any offensive action, the Russians have a very fine bomber fleet ready. Therefore we simply cannot be so naive as we were, say, back in 1940, where we were caught off base.

I say to you that this message is well taken, we do need to go ahead with new bombers that will at least be a protective factor for this country, and therefore we should be thinking about it now, and not find ourselves in the position of wondering whether we can protect America or whether we cannot.

(Mr. HÉBERT asked and was given permission to revise and extend remarks he previously made.)

Mr. PIKE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, the thing that intrigues me most under the new complete information policy about cost of weapons systems, which has been enunciated by the Secretary of Defense, is as always—what they really do compared to what they are saying.

On page 7517 of the hearings, Mr. Nedzi tried to find out how much the B-1 program cost:

Mr. NEDZI. Have we any estimates at all as to the cost of this program?

Secretary SEAMANS. Yes, we do. The present estimate for the research and development, including the test aircraft, and the tests with the aircraft, is \$2.3 billion in 1970 dollars. And the production estimate for the [deleted] aircraft is \$7 billion, which includes the initial spares.

Mr. NEDZI. What does that come to per unit?

Secretary SEAMANS. It comes to a program unit cost of about [deleted] million, that takes all the cost, research and development and production, dividing by the total number of the aircraft. Or it comes to [deleted] million on a production unit-cost basis, that is just taking the procurement costs and dividing by the [deleted].

So that is what you know, if you read the hearings about what this thing costs.

Now if you also want to go into it further and find out what it can do, you can look at page 7590 where they make a comparison between the FB-111 and the B-1. Out of about 20 questions, they have deleted all but two answers on the FB-111 and they have deleted all of them on the B-1.

So you cannot find anything about what it can do and you cannot find anything about what it is going to cost.

However, the Russians know all about this. They know how much it is going to cost and they know what it is going to be able to do because they all subscribe to a paper called the Defense Marketing Survey Intelligence Report.

Back last December that included the maximum speed was mach 2.5 to 3; the range was 10,000 miles; the crew was four; the price range was from \$25 to \$30 million per copy—at that time.

Now the Russians know all this. The Russian Army and Navy and Air Force have access to all this information. But you do not have it—the public does not have it—unless you read the Defense Marketing Survey Intelligence Report. You cannot get it out of the hearings.

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

Mr. PIKE. Of course, I yield to the gentleman.

Mr. RIVERS. The gentleman keeps saying "they." Does the gentleman say that the Committee on Armed Services did this and hushed this up?

Mr. PIKE. We raised this point last year—and you are absolutely correct—I do not say that the Committee on Armed Services did this in any manner. It is done in the Pentagon. I know the chairman has tried time after time after time to get some of this stuff unclassified, but they will not unclassify it.

The Secretary of Defense says we are going to give the public complete cost figures and he does not give the members any cost figures.

The last time we went this route was with the B-70. We spent \$1.5 billion and we built 2½ planes. One crashed—one is in the Air Force Museum at Wright-Patterson and nobody knows where the pieces of that half are and we have to admit that \$1.5 billion was wasted.

This is only going to cost \$2.33 billion to build what they now say is five prototypes. But we do not know what it is going to cost and we do not know how much it is going to be.

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

Mr. PIKE. I yield to the gentleman.

Mr. EVANS of Colorado. While we are trying to shed some intelligence on the question we are discussing here, and with all deference to the committee, because I know they tried very hard to get the facts before us—we are talking about \$100 million for another advanced manned bomber. You have mentioned the B-70 and in your minority report you pointed out the acquisition of 2½ planes at a cost of \$1.5 billion.

I would like to know what happened to that plane and why it is not being carried forward?

Mr. PIKE. Because the people who are responsible in the Pentagon for the planning and procurement of strategic aircraft said it was not worth the money.

Secretary Foster this year said in retrospect we were right to cancel it.

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

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

Mr. GROSS. Mr. Chairman, I address my remarks particularly to the gentleman from New York (Mr. PIKE). What he has said with respect to lack of information concerning this new bomber, sounds strangely like the beginning of the F-111, better known originally as the TFX, back in the days of Defense Secretary McNamara. This business of being unable to obtain information concerning moves to obtain new planes is reprehensible. Back in those days the then Comptroller General, Joseph Campbell, tried to obtain information from McNamara, and McNamara tapped his head and said he was crying the specifications in his head. Is that the kind of situation that still confronts us?

Mr. PIKE. Mr. Chairman, if the gentleman would yield, I would simply say to the gentleman in response that despite all of the fine speeches and press releases about the availability of information, I



have seen no improvement whatsoever since that time.

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

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS. For over 7 years Mr. HÉBERT has been working on this matter. He tried to get McNamara to come forward with an answer in respect to the advanced strategic manned aircraft. He has held special hearings on the subject. McNamara sent one excuse after another. Curtis LeMay wanted it. O'Connell wanted it. The radar was blamed; the configuration of the plane itself was blamed. He blamed it on everything. He blamed it on aerionics. Finally here it is. It has been almost 20 years since we have had anything that resembles a new bomber as such. I am not talking about the TFX. I am not talking about a multi-purpose airplane. We have nothing like this.

We have had nothing since the B-18 was laid down. We have changed the engines. This is the last version of the engine, a fan engine.

No one has done the work that Mr. HÉBERT has done on this question. He has tried to give America something that will work. This plane can go a foot from the ground, 10 feet from the ground, or 90,000 feet from the ground.

Mr. GROSS. I am not criticizing the House Armed Services Committee. What I am criticizing is the repetition of what we ran into several years ago in connection with what is now the F-111—inability, almost total inability to find out what was going on. After all, the common, garden variety of Members of the House of Representatives ought to have some information about what is going on in the Defense Department.

Mr. RIVERS. We could not get them to get to the point of a definition of it. Shriver begged for it. Now Ferguson has begged for it. It is long overdue. It is due to the credit of this great Louisianan, who has been after them for over 6 years, to my certain knowledge.

Mr. GROSS. And we are still asked to take on faith the F-111 with a half billion dollars in this bill for it.

Mr. RIVERS. May I finish my statement. This administration has what is called a milestone concept. Every so often a report is made on the progress. This thing is being run in a businesslike fashion under Secretary Packard. This is a good program.

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

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

Mr. PIKE. I will simply say it has been a long, long time since we have bought a new bow and arrow in this country, too, but if we were doing it, I guarantee the gentleman that both its cost and its performance characteristics would be classified by the Pentagon.

Mr. GROSS. All I am trying to say here today is that I do not want to vote for another flying Edsel. That is all.

Mr. RIVERS. You are not doing so.

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

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I assure you this will not be a flying Edsel, because it will not be put into the inventory until it is a proven flying machine to do the job it is supposed to do. I want to say to the gentleman from Iowa I share his opinion and his observations about the difficulty of getting information.

Mr. GROSS. I thank the gentleman.

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

Mr. HÉBERT. Mr. Chairman, I wonder if we could place a limitation on the debate. I ask unanimous consent that all debate on the amendment be ended at 2:15.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this amendment, and address myself to the remarks made earlier concerning the alleged double standard in which we seek to judge the Soviets by their capabilities while we ask the world to judge us by our intentions.

I would say we have a single standard, a standard of performance, of the history of these two nations. Where is our Poland? Where is our Hungary? Where is our Czechoslovakia? Where are our captive nations? Where is there one shred of evidence that this Nation has sought anything other than the freedom and self-determination of the peoples of the world at great sacrifice to the United States?

Yet look at the record of the Soviet Union, and it becomes crystal clear we had better judge the Soviets by their capabilities. Their record is one of the subjection of the people by force and without free elections to the absolute rule of a Communist minority, both in the Soviet Union and in its captive nations. Their record is one of the extreme and persistent abrogation of human rights, including an absolute disregard of the right of self-determination for any people to whom they can extend their colonial rule. Nor has there to my knowledge been any retraction of their stated and restated intention to "bury us" and to ultimately achieve world domination.

Before the judgment bar of history, their growing military strength stands as a clear threat to world peace. The same record reflects our strength to be, in contrast, the world's best hope for peace.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I commend the gentleman from Alabama for pointing out the problem of a double standard, because we have been told here in this debate that the Soviet Union has anti-ballistic-missile weapons that can shoot down items in the sky going 1,700 miles an hour. And we are also being told we must update, as the gentleman from New York says, a bow and arrow that will go 2,000 miles an hour.

My question is: How will these updated bows and arrows get past that superduper defense that has been established in Moscow?

The CHAIRMAN. The Chair recognizes the gentleman from New York, (Mr. PIKE).

(By unanimous consent, Mr. PIKE yielded his time to Mr. NEDZI.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, again we are asked to approve a new version of our strategic delivery system, a new strategic bomber which will add to our nuclear arsenal. In addition to the figures which are on this chart, indicating 9,100 warheads after we MIRV our submarines and half of our Minuteman missiles, we are asked to add a new bomber to this 9,100, giving something on the order of an additional 1,700 deliverable warheads or bombs, to take us up to a total of about 11,000 warheads or bombs.

Let me again contrast that with the Soviet position as of September 1 of last year of 1,300 deliverable warheads or bombs. Every single strategic system we have—the three modes—is going to be increased by the money in this bill. At some point we need to call a halt.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

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

Mr. HALL. Mr. Chairman, I think we need to clarify the atmosphere. This is a follow-on, armed, manned, strategic aircraft. We have been planning it for a long time in the Research and Development Committee and in the Airlift Subcommittee. It does have the planned capability of standoff penetration by long-ranged air to surface missile, because of the Golosh and the Tallin systems of Soviet defense; which we will need in case of response, or retaliatory capability. Members of the Airlift Subcommittee have visited the mock-ups of these B-1's. There are definite fall-outs from the XB- or SB-70, on the beryllium and titanium techniques, honeycombing, hi-thrust propulsion units, and so forth.

It is in competition. The competition is ready for announcement and/or decision on or about May 15. It would be disastrous to the future defense of this Nation if, by an action of those who live on hope instead of full backgrounding and knowledge, we struck by amendment in a willy-nilly fashion the capability of following on our B-52's and B-58's and the FB-111's, under these circumstances.

Mr. Chairman, I strongly recommend that this amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I shall not belabor the arguments which have been made, but it appears to me, when we are having such dire economic problems in the country, it is a time when we should be absolutely certain of what we are doing when we launch upon a \$2.3 billion program.

That is precisely what we are doing.

The B-1 program is of questionable value when it comes to our military posture. We do not know what the costs will be.

In the light of the pathetic requirements which exist in other problem areas of the country, this amendment should be agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

(By unanimous consent, Mr. RIVERS yielded his time to Mr. HEBERT.)

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. HEBERT).

Mr. HEBERT. Mr. Chairman, obviously there is little or nothing more to be added to the debate which we have had today.

Backed up against what has been said on the floor today I submit the record of 7 years of hearings by a special subcommittee of the Committee on Armed Services, of which the distinguished gentleman from Michigan was a ranking member.

I cannot too eagerly or too strongly stress the necessity for defeating this particular amendment at this particular time. We cannot throw away 7 years of constant study and effort on the part of the Armed Services Committee, in its endeavor to protect this Nation and to give it a mix in our attack forces and a mix in our defense forces.

The passage of this amendment would be the abandonment of a follow-on bomber, which we cannot afford at this particular time.

The rejection of the amendment will give notice to the Russians that we are dedicated to the proposition that we will fill our inventory from day to day with the most advanced weaponry at our command.

Mr. Chairman, I certainly urge once again the defeat of this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

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

Mr. NEDZI. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. NEDZI and Mr. RIVERS.

The committee divided, and the tellers reported that there were—ayes 51, noes 91.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. BINGHAM:

On page 2, line 3, delete "\$2,452,200,000" and insert in lieu thereof "\$1,794,200,000".

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

Mr. BINGHAM. Mr. Chairman, this amendment would eliminate \$658 million of procurement funds—and I emphasize procurement funds—for the F-14. It would not touch research and develop-

ment funds for the development of the F-14A, B, C. The F-14 is a plane which is highly controversial. It is controversial both as to cost and as to performance. The Pentagon estimates the total cost anticipated for these planes at \$11.8 billion. Other experts estimate the total cost will run as high as \$25 billion.

The performance of the F-14 is also gravely in doubt. It is one of the most complex fighter-bomber carrier planes ever proposed. It is supposed to perform many missions including fleet air defense, air superiority, escort, air-to-ground attack, and cruise missile defense missions. It must carry a Phoenix missile for the purpose of the defense of carriers. This is one of its primary responsibilities. This means it will be a heavy aircraft. Many of the pilots who have flown this plane are known to have criticized it on the ground that it will not be as maneuverable as the Mig-21 that it will be up against. Its acceleration will be relatively poor, at least until the new engine can be developed for the F-14B. This bill provides for the procurement of 26 copies of the F-14A, the one with the unimproved engine.

If the F-14 as designed proves out, it will indeed be a miracle plane, but nobody knows whether it will prove out, because it has not been flight-tested and will not be flight-tested until next January.

The Congress knows what happened with the F-111. Let us not have a repetition of that disaster.

Mr. Chairman, the GAO has recommended against the procedure of going ahead with procurement before R. & D. is completed, which is the procedure contemplated here.

There is no need for a special speed-up in this situation because the Navy admits that the potential threat to the carrier fleet, which is the primary threat that the F-14 is supposed to meet, is years away.

Mr. Chairman, last year I proposed a similar amendment to defer the production funds and proceed with research and development on the F-14. The House rejected that amendment in the authorization bill, but the Appropriations Committee in its wisdom recommended that the procurement funds be eliminated and added to the research and development funds so that research and development could proceed.

Mr. Chairman, no one argues that a successor to the F-4 will not be needed, but there is grave question as to how we should proceed. Should we go ahead with the procurement which would be called for in this bill of 26 copies of this plane at a cost of \$658 million when it is still 8 months away from any flight testing whatsoever?

What this amendment would do would be to defer the production procurement funds and to allow the Navy to proceed with the necessary research and development.

Mr. Chairman, I ask for support of this amendment in order to save \$658 million and to prevent what may otherwise prove to be as great a disaster as the F-111.

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

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

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

Mr. Chairman, I do not anticipate taking the full time because I think the members of the committee are aware of the fact that this amendment, which has just been offered by the gentleman from New York, is the same amendment he offered last year and which did not get very far last year, and there is even less reason for considering it seriously this year.

The gentleman says that this is a highly controversial plane, the F-14. As a matter of fact this is so uncontroversial a plane that even the bitterest critics of excessive and wasteful spending in the Pentagon who are members of our committee have not undertaken to oppose this particular aircraft. They are familiar with it. They know what it can do.

Mr. Chairman, I think this amendment is an example of what happens when one who has not had the opportunity of examining some of the details of the defense budget nevertheless offers an amendment—in good faith, of course—but one that is not going to accomplish what he thinks it would accomplish.

Mr. Chairman, let me just point out that we have recently been told some of the horrors of the F-111, the old TFX. Well, of course, the biggest problem that the F-111 got into was in connection with the version to be used by the Navy. And the Navy recognized, very wisely, at a very early stage, that there was no point in going ahead with the F-111 for carrier use because it could not effectively be used on a carrier. So, what the Congress ordered was an adaptation of the F-111, with all of the existing technology, in a reduced version so that we would not have to go beyond the present state of the art. We ordered the Navy to come up with a modern fighter aircraft for carrier use to be flown now and not at some vague, future time. That is what the F-14 is.

As the gentleman from New York himself indicated, this plane is going to be flying by January of next year. We are not talking about something that might happen in the remote future. These are the planes that are going to be needed on our carriers in the immediate future.

Mr. Chairman, I have had the privilege of serving on the Carrier Subcommittee—and, presumably, we will be into that question in a few moments—but let me just say that of all the critics of the CVAN-70 that came before our subcommittee, not a single one was opposed to the aircraft carrier as such. Some of them were opposed to the total number of carriers that the Navy wanted. Some of them were opposed to authorizing a new carrier in this 1971 budget rather than another year. But they all said carriers are great and that America needs them. But you cannot have carriers without having planes to fly on them.

The F-4 is a great plane, but that was first put down on the drawing boards back in 1953, and in the years since then

the Soviets have developed eight new modern, fast fighters. So if we are going to have an up-to-date Navy, and if we are going to have up-to-date carriers that will protect our forces as we withdraw from all our exposed positions in Europe and the Pacific, as the Nixon doctrine suggests, the one thing that will provide American power around the world and back up our forces wherever they may be, and will serve as a demonstration of support for our friends without requiring us to go ashore and put men ashore, it is the aircraft carrier. So for heaven's sake let us put a modern plane on the carriers that we still have.

This F-14 is the plane that will do the job.

Mr. KING. Mr. Chairman, I rise in opposition to this amendment of the gentleman from New York (Mr. BINGHAM).

A great deal of thought, effort, and discussion has been expended in relation to the needs of the modern Navy's attack carrier fleet. I should like to take this opportunity to present a few pertinent remarks on the defense of that fleet, regardless of its ultimate size or composition. I refer to the aircraft known as the F-14.

The need for a new air superiority fighter aircraft has been well-documented. The current backbone of the carrier fighter force is the F-4 Phantom. This venerable aircraft has, unfortunately, reached its ultimate designed capability. It has been modified and improved to the extent that further effective modification is no longer economically feasible. Although still an excellent fighter and proven versatile tactical bomber, the Phantom can be beaten. At least two aircraft in the current, operational inventory of the U.S.S.R. have exceeded the performance characteristics of our best bird.

Now what this means is that in terms of fighter air defense, in particular the defense of attack carriers, the United States is second, not first. We can no longer claim that our fighter escorts and carrier air protection are unbeatable. We can no longer be absolutely assured of adequate protection for our bombers, our attack aircraft, our reconnaissance aircraft, or even our aircraft carriers.

Mr. Chairman, we cannot tolerate such a situation. We must never accept any role that would place the Armed Forces of this country at an acknowledged disadvantage.

This bill provides \$517 million for the purchase of 26 F-14A's with \$60.1 million for advanced procurement of long-lead-time items, \$80.9 million for initial spares, and \$324.2 million for R.D.T. & E. These expenditures would remove the serious handicap currently facing our attack carrier forces. They would, in my opinion, return the Navy to its deserved status of quiet confidence from its present state of prayerful hesitance.

Mr. Chairman, the F-14 is no antique biplane. Conversely, the Mig-21 is not the ultimate weapon. But does the magnitude of difference have to reach such ridiculous proportions before we do something about it? I certainly hope not.

Mr. Chairman, the United States is in second place in air superiority aircraft. The F-14 will change that and I urge its authorization.

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

[Mr. WRIGHT addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken, and on a division (demanded by Mr. BINGHAM) there were—ayes 22, noes 66.

So the amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MOORHEAD:

Strike out all after the enactment clause and insert the following:

"TITLE I—PROCUREMENT

"Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

"Aircraft

"For aircraft: for the Army, \$279,775,000; for the Navy and the Marine Corps, \$2,329,590,000; for the Air Force, \$3,149,155,000 of which \$344,400,000 is authorized only to meet unfunded prior year production commitments on C-5A aircraft.

"Missiles

"For missiles: for the Army, \$1,032,270,000; for the Navy, \$899,270,000; for the Marine Corps, \$26,220,000; for the Air Force, \$1,430,035,000.

"Naval Vessels

"For naval vessels: for the Navy, \$2,863,205,000, of which \$570,000,000 is authorized to be appropriated only for expenditure in naval shipyards: *Provided*, That none of the funds authorized for appropriation by this Act for the construction of naval vessels shall be obligated until the National Security Council has advised the President of its recommendation in respect to construction of the attack aircraft carrier designated as CVAN-70.

"Tracked Combat Vehicles

"For tracked combat vehicles: for the Army, \$195,890,000; for the Marine Corps, \$46,265,000.

"Other Weapons

"For other weapons: for the Army, \$64,790,000: *Provided*, That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M-16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971; for the Navy, \$2,649,950; for the Marine Corps, \$4,180,000.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, \$1,565,505,000;

"For the Navy (including the Marine Corps), \$2,087,435,000;

"For the Air Force, \$2,764,215,000; and

"For the Defense Agencies, \$437,665,000.

"Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$47,500,000.

"TITLE III—RESERVE FORCES

"Sec. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

"(1) The Army National Guard of the United States, 400,000.

"(2) The Army Reserve, 260,000.

"(3) The Naval Reserve, 129,000.

"(4) The Marine Corps Reserve, 47,715.

"(5) The Air National Guard of the United States, 87,878.

"(6) The Air Force Reserve, 47,921.

"(7) The Coast Guard Reserve, 16,590.

"Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

"TITLE IV—GENERAL PROVISIONS

"Sec. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purpose to support: (1) Vietnamese and other Free World Forces in Vietnam (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine."

"Sec. 402. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 30th and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

April 30, 1970

**"TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS**

"SEC. 501. (a) After January 1, 1971, the Secretary of Defense (hereafter referred to in this section as the 'Secretary'), in cooperation with the Comptroller General of the United States (hereafter referred to in this section as the 'Comptroller General'), shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (A) research, development, testing, and engineering, and (B) production;

"(2) the estimates of the Department of Defense of cost for completion of the program up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department or agency concerned intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved by the Secretary, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances;

"(6) the estimates of the Department of Defense as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such

audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry out this section."

Mr. MOORHEAD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

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

Mr. MOORHEAD. Mr. Chairman, on behalf of the gentleman from Iowa (Mr. SCHWENGL) and myself, I rise in support of this efficiency amendment which I believe is a step all of us can take on behalf of the increasing beleaguered American taxpayer. We have limited resources in this Nation to maintain our national security and sustain a quality of life befitting a great nation. We can no longer tolerate wasteful and inefficient use of our resources in the name of national security or aggregate demand or any other guise.

Over the last year I have heard testimony before the Military Operations Subcommittee and the Joint Economic Committee, on which I serve, which would make any taxpayer weep. We have heard procurement horror stories which range from the infamous \$2 billion cost overrun on the C-5A; to the Mark II Avionics—the brain of the F-111—which now costs more than the original estimate for the whole aircraft; to the Mark 48 Torpedo which the Navy told the Congress they could buy for \$65,000 a copy and for which they just let a contract for the astronomical figure of \$1.2-million

per copy; to the production of tanks for which the Army had no usable ammunition; to the deletion of overrun figures from Air Force internal reports because of possible adverse effects of the contractor stock on the stock exchange if the information became public.

It is instructive to point out that the first casualty of poor procurement practices is the guy out in the field or in the air who either does not have the weapon system because of schedule slippages or is provided with a faulty weapon or one that does not meet specifications. Our submarine forces still do not have the Mark 48 torpedo. They were scheduled to receive it in 1968. The Air Force currently has several hundred F-111's which do not meet specifications and are currently grounded with wing problems. Yet, according to press reports, the contractor for the F-111 may make a profit on this defective aircraft.

These are only a few of the stories that could be recited. Gordon Rule, the Chief of Naval Procurement, told the Joint Economic Committee that contractors and the Pentagon play games with the Congress. How much longer can the Congress and the American taxpayer tolerate these games—when billions of dollars are involved?

Waste and inefficiency in defense procurement is not a partisan issue. The tax money of the American public has been wasted by the Pentagon under Democratic as well as Republican administrations. It is interesting to note that this amendment is supported by various groups spanning the political spectrum from the National Taxpayers Union to the Americans for Democratic Action. It is not our purpose here to discuss the question of national priorities—rather, what we are concerned about here today is the single important issue of eliminating waste at the Pentagon and of relieving an unfair burden on the American taxpayer. We are also concerned about making information on Pentagon procurement available to the Congress of the United States, the representatives of the American people.

Mr. Chairman let us consider these two effects of the amendment.

First. It would provide for a 5-percent efficiency cut in the total authorization of \$20.24 billion, or a little over \$1 billion.

Second. It would create a quarterly reporting system to the Congress by the GAO on major weapons acquisition programs.

**THE 5-PERCENT EFFICIENCY CUT**

The 5-percent cut would mean an immediate savings of \$1.012 billion. Many procurement experts have appeared before committees on which I serve and have testified that if the Congress adopted uniform accounting practices, a wider use of the "should-cost" pricing technique, and tougher costs-performance measurement systems we could capture up to 30 percent of the total price of many contracts in costs savings. This also requires that the military services get tough with contractors and deal with them on a business-like basis.

The sponsors of this amendment feel that the 5 percent figure is conservative, realistic and attainable. Hopefully by

forcing increased efficiency we can also realize future savings.

It is also the intention of the sponsors of the amendment that the services do not absorb this 5-percent cut by merely reducing the number of weapons bought, but to turn the efficiency screw on as many contracts as possible on behalf of the American taxpayer.

I think that two steps can be taken now to partially remedy this situation:

First, but the military on notice that they no longer have unlimited funds with which to buy their hardware; and

Second, upgrade Congress' ability to scrutinize major procurement programs where billions of the taxpayers are involved.

#### GAO QUARTERLY REPORTS

This part of the amendment—title V—would provide a legislative basis for the submission to Congress of quarterly reports on costs and performance of major weapon system contracts. The reports would be analyzed by the GAO and transmitted to the Congress. This much of the amendment is already being carried out. In addition the GAO would be empowered to conduct independent audits and analysis on programs and to subpoena books which defense contractors have in the past refused to supply. All too often the Congress finds it nearly impossible to receive understandable and timely information on costs, performance, specifications, and schedule changes in major weapons programs. The amendment would establish a reporting system designed to improve the timeliness and quality of information on major weapon acquisition programs.

A similar amendment passed the Senate last year but was defeated on the floor of the House by a teller vote of 99 to 102. This year, hopefully, we in the Congress are wiser and will demand more and better information on these costly programs.

I urge the adoption of the substitute.

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

Mr. MOORHEAD. I yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I rise in support of my colleague and his amendment and congratulate him on his leadership.

Mr. Chairman, we have been allowed to debate the military procurement and research and development bill only 4 hours. A mere 4 hours is not enough time for a serious discussion of a bill amounting to \$20 billion—one-tenth of our national budget. Such a meager time allocation simply illustrates and underscores many Members' dissatisfaction with this bill. I oppose this bill, however, for reasons far more substantial than the time limitation on the debate, namely the unnecessary and overpriced programs funded by this bill.

I would call the attention of the Members to a recent report by the Congressional Quarterly about our defense spending, in which they cited the conclusion of top most Defense Department officials—both military and civilian—that we could cut \$10 billion out of our military budget and improve our fighting capability.

The most objectionable feature of this bill is the ABM System. This country already has, and plans to maintain, three separate nuclear deterrent systems, each capable of destroying the homeland of any attacker by itself—our land-based missiles, our missile equipped submarine fleet, and our jet bombers. A Soviet attack could neutralize only one of these deterrents and would thus leave the Soviet Union open to a fatal counterattack. As our leading experts point out, only one deterrent is necessary to deliver a successful counterattack.

For years our experts have also told us that missiles and jet planes were diminishing the importance of the Navy. Reportedly the Soviet Union is deemphasizing its own Navy. Yet this bill inexplicably gives the Navy \$435 million more for ship construction than even the Defense Department requested.

Far less justifiable is the \$200 million slush fund for the Lockheed Corp.'s negligence. In effect, this provision directs the citizens of this country to pay for a company's lax managerial practices that would make any normal company go bankrupt. The Government offers no such subsidies to other companies and should not establish a precedent for Lockheed.

In the past few months, the President and the Congress have taken stanch stands against inflation. This bill presents us with a sufficiently clear case of financial irresponsibility to mandate the striking of these flagrantly overpriced giveaway programs from the bill. Otherwise, 1970 will become "the year of the military giveaway" just as 1969, in the words of the House Appropriations Committee, was "the year of the cost overrun."

Our scrutiny of this bill should be more stringent, not less, not only to reorder our priorities, but also to achieve a disciplined and efficient military defense, which continual cost overruns and faulty planning have prevented us from realizing. A vote against H.R. 17123 is not a vote against our country's military interests. On the contrary, as Admiral Rickover has indicated, a vote against this bill would spur the Defense Department to improve its programs and, in the long run to serve this Nation's military interests far more effectively and economically.

Mr. MOORHEAD. I thank the gentleman.

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

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

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

Mr. Chairman, I have listened with avid interest to this debate. I think I perceive a new day in the House. Members of the House are beginning to assert themselves. They are reflecting that they are giving some very serious thought to some important business that prevails here and they are acknowledging once again the spirit of our Government which

dictates that we as citizens should preside over the Army, Navy and the defense of our country.

I want to commend the debaters on both sides who have been honest, fair and forthright and who have spoken with deep conviction. So are we, the co-sponsors speaking with convictions and after rather thorough study. In addition, we are reflecting the thinking of the country—we think.

It is true, Mr. Chairman, one of the major elements in the Defense Department budget is military procurement. Over the past few years, a number of programs that have received congressional support have proved far more costly than originally estimated. In some cases, it appears that contractors have been woefully, and sometimes, some believe wilfully inefficient in determining the probable cost of producing the systems for which they are responsible.

Because of such wasteful practices, my distinguished colleague (Mr. MOORHEAD), the Congressman from Pennsylvania, and I have offered an amendment to the military authorization bill which will answer to many of the charges leveled against current military procurement policy.

The efficiency amendment has two parts. They are: A 5-percent cut in the total authorization of \$20.24 billion, resulting in a saving of \$1.012 billion; and creation of a reporting system whereby the Government Accounting Office will report to the Congress on major weapons acquisition programs on a quarterly basis.

It is evident, Mr. Chairman, that corporations that do business with the Government follow a variation of Parkinson's law. In its latest incarnation, the law reads: Corporate expenses rise to a level that is equal to the amount that can be squeezed out of the Government. In order to combat this pernicious trend, the amendment would in effect require companies to become more efficient or cease to do business with the Government.

A number of persons have commented on the gross inefficiency of defense procurement. The indefatigable Admiral Rickover, in testimony before a committee of Congress, stated that "paying more than we should prevents us from buying many items we need to defend the country." Over the past decade, Admiral Rickover has pointed a number of times to the wasteful management practices both in the Defense Department and those corporations that contract with it. Robert Benson, formerly of the Comptroller's Office in DOD, wrote that "wiping out the inefficiency would annually save the Government \$2.7 billion."

All too often, we in Congress are unaware of the development problems that plague contractors. The second element of the efficiency amendment would go a long way in meeting that problem. It would require the General Accounting Office to report to the Congress every 3 months on the development of each major weapons system. This reporting would, in all probability, obviate such problems as the Mark 48 torpedo and the C-5A transport aircraft. At least Con-



gress would not be presented with an unconscionable cost growth as was witnessed in the case of the C-5A. Congress would be able to assess on an on-going basis whether or not a program was being properly funded. We would not be confronted with a cost growth of 443.9 percent in the case of the Mark 48 torpedo, a 151.6 percent cost growth in the case of the F-111, or a 249.2 percent cost growth as in the case of the short range attack missile—SRAM. Congress would then have the option of questioning the management practices of those concerns responsible before they have become too entangled in production problems, as happened with the Lockheed Corp. as regards both the C-5A and the Cheyenne AH-56 helicopter.

The third section of the efficiency amendment is more specific than the other two. It is the deletion of the \$200 million contingency fund for payment of claims to Lockheed under the C-5A contract pending outcome of litigation. This amount represents nothing more than a slush fund for Lockheed—sort of a gratuity for mismanagement. The procurement bill includes \$544.4 million for procurement, none of which will purchase a single aircraft. Of this amount, the Air Force admits to \$344.4 million in cost growth for which it is responsible. The remainder is apparently to be allocated to Lockheed in the event that after litigation it turns out that the Air Force is also responsible for further cost growth. It is patent that the Air Force might have a greater incentive to defend its own position if it did not have money to give away.

The efficiency amendment does not cut the numbers of weapons to be purchased. Rather, it is designed as an incentive to contractors to be aware of and more careful with the taxpayers' money. There is no contention here Mr. Chairman that contractors have no inherent right to make a fair profit. It is my contention, however, that they have absolutely no right to so mismanage programs within their area of responsibility that the taxpayers pay far more than originally anticipated.

I include the following:

**FACT SHEET IN SUPPORT OF THE MOORHEAD-SCHWENDEL EFFICIENCY AMENDMENT**

This Amendment to the \$20.24 billion Procurement Bill is offered in the form of a substitute bill. The Amendment is a conservative effort to build in an incentive for more efficient acquisition of major weapon systems and to gain greater visibility for the Congress concerning the many multi-billion dollar contracts let by the Pentagon. The Amendment will not affect the purchase of any weapon systems.

**THE AMENDMENT**

The Amendment consists of two sections:  
a) A 5% efficiency cut in the total authorization of \$20.24 billion—resulting in a reduction of \$1.012 billion.

b) Creation of a quarterly reporting system to the Congress by the GAO on major weapons acquisition programs.

**RATIONALE OF THE 5 PERCENT EFFICIENCY CUT**

Over the last year the Congress and the American taxpayers have been shocked by the revelations of huge cost overruns and charges of contractor inefficiency in almost every weapons program. The GAO in a recent report to the Congress documented over \$20

billion in cost overruns on only a few systems. (Attached is a partial list of those overruns.)

**Statements on contractor inefficiency**

A. E. Fitzgerald, former Deputy Assistant Secretary of the Air Force, before the JEC on June 11, 1969 testified: "We annually spend over one-third of our military procurement funds to buy only waste and inefficiency . . . in the operation of the major contracts we could save as much as \$5 billion without compromising our national security."

A survey of the top corporate executives as reported in "What Business Thinks" in *Fortune*, September, 1969, concluded: "Defense expenditures are higher than they need to be, mainly because of waste and inefficiency."

Robert Benson, a former analyst in Office of the Comptroller of DOD, in the *Washington Monthly* wrote: "Wiping out the inefficiency would annually save the Government \$2.7 billion."

Admiral Hyman Rickover testified before Congress: "Paying more than we should prevents us from buying many items we need to defend our country."

Senator Len Jordan (R-Idaho) during the JEC Hearings in June, 1969, concluded: "The ineffectiveness of cost control procedures have been a result of the fact that contracts with major suppliers tend to adjust to the financial needs of the contractors."

The sponsors of the Amendment will make it clear on the floor that the objectives of this Amendment is to turn the efficiency screw 5% on as many contracts as possible on behalf of the American taxpayer and not to merely cut the number of weapons bought.

**RATIONALE OF GAO QUARTERLY REPORT ON WEAPONS PROGRAMS**

At present the Congress has no systematic means of determining the cost and performance status of major weapons programs. The Congress is too often at the mercy of the Pentagon, who reveal only what they choose and when they choose. Congress is often faced with accomplished facts when it is too late for corrective action.

This Amendment would enable the Congress to determine systematically and factually the status of programs soon enough to avoid repetition of some of the worst disasters of the recent past. Last year, the GAO documented over \$20 billion in cost overruns on only selected programs.

By aiding effective congressional scrutiny, this example of preventative medicine will help Congress meet effectively its responsibilities to the American taxpayer. (A similar amendment passed the Senate last year and failed 102-99 on a teller vote in the House.)

**NEWS RELEASE FROM THE NATIONAL TAXPAYERS UNION**

The National Taxpayers Union today called upon all members of Congress to support a 5% reduction in FY 1971 Military Procurement and Research & Development Authorization. James Davidson, Executive Director of NTU said, "Congressmen Fred Schwengel (R. Iowa) and William Moorhead (D. Pa) have stood up on behalf of every taxpayer in America in recommending an efficiency reduction in Defense spending. It is common knowledge that there is much waste in Pentagon procurement. The examples of the C-5A, the F-111, and the Mark 48 Torpedo are still fresh in the memories of many taxpayers. We cannot afford to provide a "carte blanche" for waste merely because it occurs under the guise of "defense."

"Leading experts," Davidson continued, "whose knowledge and patriotism are unquestioned have testified that several billions more could be cut with no loss of military potential. Congressmen who fail to support the Amendment should be asked upon what principle they support waste in the

Pentagon. There is simply no excuse for tolerating misuse of the taxpayers' money. Ernest Fitzgerald, now of NTU's Board of Advisors, was fired from the Pentagon when he told the truth about military spending. Politicians who fail to support prudence should expect no better treatment at the hands of the voters."

"The Schwengel-Moorhead proposal eliminates only one billion dollars of the amount authorized by the House Armed Services Committee. Of this amount, as much as \$435 million could be deleted from authorizations for naval ship construction. This Naval Ship Add-on was never requested by the Navy. There is no doubt that it could be cut without jeopardizing defense capability."

"The Congress should remember that passage of unnecessary appropriations for military spending lends credit to the Marxist charge that the U.S. economy is kept going because of wasteful defense allocations. If we spend one cent more than is necessary we secretly acknowledge that the Marxists are right. For this reason alone, every effort at stewardship should be applauded by those who understand that much of the world's fate is decided in men's minds. We cannot expect to defeat collectivism if we act as if its policies were correct."

Davidson called upon Congress to remember the words of the late General Douglas MacArthur . . . "indeed, it is part of the general pattern of misguided policy that our country is now geared to an arms economy which was bred in an artificially induced psychosis of war hysteria and nurtured upon an incessant propaganda of fear. While such an economy may produce a sense of seeming prosperity for the moment, it rests on an illusory foundation of complete unreliability and renders among our leaders almost a greater fear of peace than is their fear of war."

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on the amendment close in 3 minutes.

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

Mr. DENNIS. Mr. Chairman, I object. I would like to be heard on the amendment.

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

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. DENNIS. Mr. Chairman, I am for a strong national defense and always have been, and I have been voting consistently that way in this debate as I have in the past and expect to continue to do in the future. But it is indeed difficult to determine in these matters, when you are also a person who would like to save some money for the taxpayers if he could do so without damage to the national defense, as I happen to be, just what if any proposals for reduction ought to be supported.

Mr. Chairman, this becomes particularly difficult because of the situation which we always seem to have in this body on this particular subject matter. Unfortunately, from my point of view, most of the reductions which are proposed seem to be advanced by gentlemen, or at least too often are advanced by gentlemen, whose devotion to the principle of a strong national defense I am not as well satisfied about as I would like to be; and also often by gentlemen whose standing as economists do not appeal to me as much as I would like, because, as to many of them, I practically



never hear them asking to reduce an expenditure here except a defense expenditure.

On the other hand, gentlemen knowledgeable in this field in whom I have a little more confidence in some of these respects and who might be able to enlighten me, by the time we get to this stage on the floor, have done their arguing in the committee, and they are committed to defend the bill. Therefore, it is very hard for an independent Member of a cast of mind such as mine to decide when, if ever, it is in order to accept a cut.

This particular amendment does two things, as I understand. It gives a statutory basis for a cost report, which seems to me a sound idea in and of itself, as far as I can tell.

Then it cuts each item 5 percent. That at least has the advantage that I do not have to determine here how many C-5's we need or what the technical merits of the ABM may be or how many carriers we ought to have, because none of these things are cut out by the amendment.

It is just a reduction in each figure right across the board. On the other hand, it is not a particularly scientific approach, because undoubtedly there are some items that ought to be cut more and some that ought not to be cut at all.

We have just about one guide perhaps, which is that on almost all appropriations, defense and others, almost always we have enough fat to take a 5-percent cut.

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

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

Mr. RAILSBACK. Mr. Chairman, I commend the gentleman from Indiana, whom I think everybody at least on our side of the aisle respects for his judgment. I do not think anybody can call him a flaming liberal. If anything, I think he is very economy minded and conservative. I associate myself with his remarks. It seems to me the conservatives ought to be every bit as concerned, if not more so, about defense spending, and I think they ought to be willing to take the lead to cut what I believe is a great deal of fat out of the defense budget.

Mr. Chairman, I thank the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentleman from Illinois for his support, which I do appreciate.

Mr. Chairman, I was about to say that it really is a puzzle to me, on a great many of these things. I cannot say a certain element ought to be cut 5 percent and something else not at all, from personal knowledge, and I do not want to jeopardize defense; yet I do feel that almost any budget I have ever known anything about has had at least 5 percent of fat in it and possibly it will not endanger anything to cut that.

I have wondered why the gentleman who offered the amendment did not offer it as a cut in the overall or total authorization figure.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say that I am honestly inquiring a bit on this one. I do not have a foregone conclusion right at this moment, although I have some inclination to support the amendment, but if I am wrong, I would like to have the gentlemen on the committee, perhaps the distinguished chairman or others, give me some really good convincing reason why we cannot absorb a 5-percent cut, or why it would jeopardize anything important if we did.

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

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

Mr. ARENDS. Mr. Chairman, I would like to say that I also, like the gentleman, want a dollar of defense for every dollar we spend. In addition, I would like to see us economize. But if the gentleman will recall—I do not have the exact figures just now—the percentage of expenditures for national defense today in comparison with the gross national product is the lowest since 1952.

Mr. Chairman, I have a real concern in my mind that we are moving down the road very rapidly to where we might not get more time when we ought to have more.

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

Mr. Chairman, I have been here 30 years and I have heard of military waste since I have been here. I have to make the decision now. The buck stops on my desk. So I told the gentleman from Illinois (Mr. PRICE) who is one of the most dedicated Members in this Congress, to find out where we can cut research and development. I said, "You cannot tell me there is not some place where we can cut research and development." He had the best brains of the committee to work with him to come up with a cut of a little over a million dollars out of \$7 billion.

When the President told the Congress to reduce expenditures in the executive department, he took it out of the Department of Defense—\$3 billion. We reduced, at the word of the distinguished chairman of the Appropriations Committee, \$5 billion, and most of it came out of the Department of Defense. It is always the Department of Defense—those are the soldiers, sailors, marines, and coastguardsmen. Do Members know how much money we spend a year on people in the Defense Department—just people? Over \$40 billion a year.

Go ahead and cut the 5 percent across the board. We can cut it 10 percent. We can cut it all out. We can throw the whole kit and caboodle out. But if we take a 5 percent across on this, we will pay for it. It is as simple as that. Of course, we can do it. But it is very unwise.

The gentleman asked a question. Let me see if I can answer it. Of course, the gentleman is sincere about it. But the bill which the gentleman brings to us is a new bill. We have been in session for over 10 weeks having hearings. Not once

did the gentleman ask us to come and let him bring these things to our attention. Yet he gets up here and he tells us, with the authority of which he is capable, the things that are wrong with it. Even the gentlemen on the front row, who have been disagreeing with me entirely, are not going to support this. They know this thing is ridiculous. This is the most idiotic way on earth to run a railroad.

The gentleman asked me how much we cut this? It is \$473 million less than was authorized last year, and \$1.7 billion less than the Department requested last year. We have cut it. We are down to the bone.

This is a new bill the gentleman brings in here to us. My job is to state what the military needs. I will tell you that if you want to really serve your country, raise this budget. The bill is too low. Ask any military man who is worth the salt of the rank he holds in the service.

You cannot vote for a provision like this. You will hurt everything we have in the military.

If you want to cut, close up all the bases and put your faith in the SALT talks. Then you may live with your memories, but your memories will not be security.

This is a bad amendment. This is a bad bill. You cannot do it this way.

Our doors are always open. Nobody has knocked trying to help us find a way to answer the questions, based on the allegations that have been made in this well under this amendment.

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

Mr. RIVERS. Of course I yield.

Mr. RAILSBACK. Mr. Chairman, I appreciate that you have done a great deal of work. I know this is a very complicated subject matter.

I believe this is why many of us are concerned about this particular procurement bill. About 2 years ago I asked you on the floor of the House how much it cost to develop the F-111B, the Navy version of the so-called TFX. You said at that time that you did not have those figures, but you would get them for me. To date, I have never received that information from you.

I wonder how much it did cost to develop the F-111B, which was completely scrapped.

Mr. RIVERS. I am sorry that I do not have that information. I just do not know at the moment.

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

Mr. Chairman, this is a serious amendment and it should be seriously considered.

I believe that what Chairman RIVERS has just said is absolutely right. This is not the place to try to cut, nor the way to cut.

If we are going to cut defense spending, the way we can do it, and the way we can hurt the least, is to cut personnel. As the chairman said, \$40 billion of our defense costs go into personnel. We do not need the number of people we have right now, but those we do keep need the best weapons.

Certainly we need the research and development we have authorized or are authorizing in this bill.

Our committee did cut research and development. We should not have cut research and development, to keep our defense strong.

To answer specifically the question of the gentleman from Indiana, this is a bare bones budget as far as the procurement of weapons is concerned.

If we want to cut defense spending, then start scaling down the ceiling on the amount of personnel the military services can have. That is the way to cut the budget. That is the way to cut it fast, and the defense of this country will remain just as strong as it is right now.

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

Mr. HICKS. I yield to the gentleman.

Mr. DENNIS. For information, what would the gentleman say to the proposition which, instead of trying to do what the gentleman from Pennsylvania is doing here in cutting each of these items 5 percent, would cut 5 percent off the total and put a 5 percent lower ceiling on the total expenditure, leaving the selection of items to be reduced to the Secretary?

Mr. HICKS. Of course, that has been done in the past, as I understand it, in times prior to when I came on this committee, and I understand it just does not work when that is done. The military have certain systems they want to get or retain and they go ahead and push them. If we are going to do our job, we have to help to select those systems. If I were going to choose that path, I would say fine and cut out the ABM system, for example, because I do not believe we need the ABM. However, this House decided we do need it. That is the reason why we cannot do it the way the gentleman suggests. I do say that we can save substantial sums by placing a lower ceiling on personnel and then give them the very best weapons that we have, and we will continue to have a strong defense.

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

Mr. Chairman, just a few minutes ago I sat and listened to the chairman of the Committee on Armed Services slander the gentleman from Illinois (Mr. RAILSBACK) by saying that "apparently the gentleman from Illinois did not care about his country." I have heard a lot of excessive debate since I have been in the House, but this rises to a new low. The fact is that the gentleman from Illinois cared enough about his country to serve in its Armed Forces.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 27, noes 74.

So the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

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

The Clerk read as follows:

Amendment offered by Mr. PIKE:  
Page 6, after line 6, insert a new section 403 as follows:

"No more than half of the funds appropriated pursuant to this bill for G-5A or S-3A aircraft, Cheyenne helicopters, or SRAM shall be used until Congress has approved a settlement of the fiscal differences between Lockheed Aircraft Corp. and the Department of Defense."

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

Mr. PIKE. I yield to the chairman.

Mr. RIVERS. Mr. Chairman, a little while ago, even though the gentleman from Illinois accused me of not giving him certain information, that did not justify me in reflecting on his patriotism. I want to apologize to the gentleman, and I ask unanimous consent to delete that remark from the Record. This is not based on what the gentleman from Indiana said. Not at all.

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

There was no objection.

Mr. PIKE. Mr. Chairman, yesterday when we started this debate I expressed the hope that we could go through it all without anybody questioning anybody's motives at any time.

Frankly, I think we have done pretty well in relation to what happened on the floor last year. I think this has been a pretty good debate. I think that we can question the judgment of each other very, very frequently and we frequently do.

Mr. Chairman, this amendment which I have offered does not cut one dime out of the bill, because it has been made somewhat obvious to me that the great ground swell for reordering our national priorities is not yet quite strong enough to cut any money out of the bill. What it does is it says that on four programs, all of which are Lockheed programs, no more than one-half of the money which this bill authorizes to be appropriated can be spent or used until there has been some overall settlement between Lockheed and the Department of Defense.

Now, the reason I offer this amendment is to first, acknowledge that there has to be some overall settlement between Lockheed and the Department of Defense. They are about \$1 billion apart, with Lockheed saying the Government owes them \$660 million, I think, and the Government saying, I think, that Lockheed owes them some money.

Mr. Chairman, if we are going to resolve this by litigation, it is going to dribble on for years and years and years.

For example, we are starting new C-5A's at the rate of two every month and with every one we start the spread between what Lockheed and what the Government says gets bigger and bigger and bigger.

In the meantime, Lockheed comes in and says they are broke. Well, what are they doing while they are saying they are broke? Here is a publication dated December 1969. It is a Lockheed publication. It is 100-and-something pages—108 or 109 pages—of glorious public relations on behalf of Lockheed. They are

mailing it around the country. This one came to my district.

Now, Mr. Chairman, we say this is a bare bones budget. Two weeks after the Secretary of Defense came to the committee and said what trouble Lockheed was in, they were spending their money in this manner. This happens to be Newsweek, a two-page ad in Newsweek. This same ad was carried all over the country in different publications. This is how their money is being spent.

Well, if we are going to be asked to bail them out, I think we have a right to insist that the money not be spent in this way. The postage alone in mailing this from Burbank, Calif., was 14 cents. I do not know how many of them they mailed out. I do not know how much it cost to produce them. These ads, I think, cost \$27,000 in Newsweek. The same ad was in Life magazine and in Time magazine at one time.

Mr. Chairman, this is how they are spending their money. Well, if they are broke and if we have to bail them out because they are broke, I think we ought to get a final settlement of it.

My amendment would permit them to spend one-half of the money. This would let them get halfway through the year before they had to come to a settlement, but that could be done and should be done.

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

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

Mr. RIVERS. Now, Mr. Chairman, let us analyze this amendment. It is true that Lockheed is in trouble. However, it seems that the gentleman from New York wants to keep on their back forever and ever. We settled the item of the \$200 million last night. I produced the document from the Deputy Secretary of Defense saying that he would not permit any of the \$200 million to be spent until satisfactory contractual arrangements had been made with Lockheed and then was cleared with the committee having jurisdiction over this matter.

Now, Mr. Chairman, the gentleman in his amendment takes in the whole business of Lockheed's operations, including the Cheyenne, the SRAM, the S-3A as well as the C-5A. If you are going to do this to Lockheed, why do you not do it to every other defense contractor who is having trouble, and they all are. Look at their earnings. They do not make any money out of the Government.

Have you forgotten World War II, the arsenal of democracy? Now it is called a vicious military-industrial complex.

I asked one of the contractors how much he made out of the Government contracts, and he said he did not make anything. He said that if he did not have a sideline on tools that he would not make anything.

What does this amendment do? It completely—completely—cuts off this company's capacity to make long lead-time contracts, and they will never be able to achieve the thing that Admiral Rayburn described as the bringing of all systems together so that you do not lose time. They would be wiped out. You

would also wipe out thousands of small contractors in this country. This could not work. You could not enter into a contract like that, this just simply could not happen. And moreover you would not have the Poseidon, and you would not have the retrofitted Polaris, you would not have the S-3A, the P-3C, the C-5A, which is working. You would not have anything, but you would have the pleasure of stopping a company—you would have the pleasure of stopping a company. This might sound fine, but it cannot work. It positively cannot work. That is how simple it is.

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

Mr. RIVERS. Of course I will yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I thoroughly agree with the gentleman from South Carolina that this is a completely destructive amendment, rather than being an objective amendment, because if, as the gentleman says, it is going to slow down or possibly stop some of the essential production we need in this country so as to keep America strong and safe, then I think the amendment ought to be completely and overwhelmingly defeated.

Mr. RIVERS. Mr. Chairman, I do not know how long in the future they make contracts for ads in one of these magazines, I would imagine it is many, many months, and I would recommend them stopping it, although I do not know anything about this. I do not know anything about them putting ads in magazines, but I would recommend that they stop until they are out of their financial crisis.

Mr. Chairman, we are not trying to help anyone because of sentiment, but because it is for the security of America, and if it not advantageous to the security of this country then do not give them anything, but cutting off a half a loaf will not hurt Lockheed as much as it will hurt you.

I urge you to reject this amendment. The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

The question was taken; and on a division (demanded by Mr. PIKE) there were—ayes 21, noes 58.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York:

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

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

(Mr. REID of New York asked and was given permission to revise and extend his remarks.)

Mr. REID of New York. Mr. Chairman, the purpose of this amendment is simple; it is to prohibit the use of American ground combat forces in Cambodia, Laos,

or Thailand. The House, in my judgment, is coequal with the Senate in this regard, and it has to some extent been derelict in the past for not taking a position that is obviously clear, and I think in this instance it must fulfill its constitutional obligation and responsibility.

In the fiscal year 1970 appropriation bill for the Department of Defense, as Members know, there is a limitation based on the amendment offered by Senator COOPER and Senator CHURCH, precluding funds for the use of U.S. ground combat troops in Laos or Thailand.

Last December, after the bill had been signed and enacted into law, the administration, through Press Secretary Ziegler said:

Anyone familiar with the Nixon doctrine, as outlined on Guam, knows the amendment is totally consistent with the President's policy. As we have said on a number of occasions, there are no U.S. ground troops in either country nor did this Administration visualize under this bill putting any ground combat troops into these countries.

My amendment would have the simple effect of adding Cambodia to this prohibition on the use of ground forces. It is a limitation. It provides no sanctions.

It has been repeatedly stated by the President and high administration officials that there is no present intention to use our ground combat forces in these countries.

Since approving the amendment to the appropriation bill last year precluding the introduction of ground combat troops in Laos and Thailand, President Nixon has reiterated his desire to limit the war in Asia—not to broaden it. He has said:

We have no plan for introducing ground combat forces into Laos.

In addition, on explaining his doctrine pronounced at Guam, he said in his November 3 speech:

In cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Finally, I would like to briefly quote Secretary Rogers, who, when asked whether Laos would become another Vietnam, answered:

The President won't let it happen.

Continuing, he said:

I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

Mr. Chairman, my amendment is also consistent with the national commitments resolution passed by the other body on June 25, 1969, by a vote of 70 to 16, expressing the sense of the Senate that the U.S. Armed Forces should not be used abroad or promised for use abroad except by joint authority of the President and the Congress.

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

Mr. REID of New York. I yield to the gentleman.

Mr. REUSS. Mr. Chairman, I commend the gentleman for bringing this amendment to the floor. I support it.

We ought to be extracting ourselves from Vietnam and not implicating ourselves in Cambodia.

I would ask the gentleman whether in his amendment the words "American ground combat troops" include the concept of American combat advisers.

Mr. REID of New York. Yes, that is correct.

Mr. REUSS. I thank the gentleman.

Mr. REID of New York. Further, as Members know, article I, section 8, of the Constitution gives the Congress the authority to declare war, raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

These powers were authorized explicitly to the Congress as a vital part of the doctrine of the separation of powers.

Alexander Hamilton, a strong advocate of strong Executive power, wrote in the Federalist Paper No. 69 showing the clear distinction between the British and American systems in the delegation of American powers to the legislature. He said:

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy, while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Indeed, in 1848 Abraham Lincoln, then a Congressman, said:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose.

The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was to object. This, our convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Dwight Eisenhower said very explicitly in March 1954:

There is going to be no involvement of America in war unless it is the result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear.

In a word, therefore, I think it is clear that the Congress, and this House, must not let its powers be eroded. We must not back into a wider war.

Our responsibility is clear.

Further, this amendment in my judgment is consistent—

April 30, 1970

The CHAIRMAN. The time of the gentleman has expired.

(Mr. REID of New York asked and was given permission to proceed for 3 additional minutes.)

Mr. REID of New York. Finally, let me just say I think this amendment is consistent both with existing law and with the President's determination to narrow the war and not to widen it.

I think it will reassure the country that there are limits to the extension of American power.

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

Mr. REID of New York. I am happy to yield to my colleague from New York.

Mr. HORTON. I wish to commend the gentleman for the amendment he has offered. I support it. I certainly think it is a reasonable amendment. It is certainly in line with the statements the President has made on numerous occasions with regard to the Nixon doctrine.

On the eve of the President's message to the Nation on the Cambodia crisis, I want to state publicly my own analysis of the problems and priorities which face us in Indochina.

Some background review is important before discussing what our decisions should be at this juncture.

First, the President is in the midst of a laudable program to Vietnamize the war in Vietnam and has made substantial progress in withdrawing American Marine and Army units which serve in an infantry or ground combat capacity. During the unfolding of the President's withdrawal program, the Communist North Vietnamese military threat to two nominally neutral nations, Cambodia and Laos, has been severely intensified. Both these countries have been important as sanctuaries and supply routes for North Vietnamese and Vietcong units operating in South Vietnam. But, until recently, the neutralist governments of Laos and Cambodia were not immediately endangered, although there was partial disclosure of American military support efforts to help the Royalists in Laos hold back Communist Pathet Lao advances.

Then the overthrow of Prince Sihanouk in Cambodia by an anti-Communist coup dramatically altered the focal point of military confrontation in Indochina, with the North Vietnamese seeking to gain military and political control over at least a substantial portion of Cambodian territory, and announcing their intention to install Sihanouk as a presumably Communist ruler of this territory.

A whole host of U.S. interests and foreign policy questions are being tested by the decision our Government makes in this crisis. Having been requested by the new Cambodian regime to send U.S. military hardware and assistance to use against North Vietnamese and Vietcong who are advancing on Phnom Penh, the President must decide far more than the desirability of supporting this fledgling regime.

The following arguments have been put forth in support of American military assistance and involvement in Cambodia:

First. That neutralization of Cambodian territory, now in Communist hands, is essential for the protection of American troops remaining in South Vietnam. The President has mentioned repeatedly that he would not permit his policy of withdrawal to endanger those American GI's who remain on duty in Southeast Asia. The use of Cambodia, particularly the "Parrot's Beak" area nearest Saigon, as a military sanctuary has made the task of allied troops in Vietnam more difficult. The question is whether this fact alone warrants American involvement in the confrontation between two opposing Cambodian regimes, and whether defense of U.S. troops requires an active invasion deep into Cambodia.

We must continue to protect the lives of American soldiers remaining in South Vietnam. In my view, military actions we have been undertaking for many months, permitting hot pursuit of enemy units attacking from across the Cambodian border, or seeking sanctuary in Cambodia should not be curtailed if deemed necessary to protect American lives. But hot pursuit does not encompass supporting or undertaking an invasion of Cambodia, with the intent of supporting the regime there. It may encompass supporting an action limited to destruction of sanctuary areas used to shelter Communist troops which operate in South Vietnam.

In the final analysis, the best way to defend and protect American lives in South Vietnam is to continue policies that would enable these young men to return home at the earliest possible date. It is doubtful that any extension of our military commitment into Cambodia would hasten this homecoming.

Second. That the de facto control of most of Laos by the Communists and the current threat to Cambodia is proof of the domino theory at work, and that if the United States does not help restore neutrality to these areas, Thailand will be threatened next.

There is little question that Communist military persistence, backward social organization, and the impoverishment of the people of these countries would have led to North Vietnamese dominance if it were not for the presence of large numbers of U.S. forces and equipment in Thailand and South Vietnam, and for U.S. advisory and hardware assistance to Laos. The question is, Has our military involvement done anything but postpone North Vietnamese Communist dominance? Or, if Vietnamization will be successful, will it take a similar injection of American lives and dollars to accomplish a stalemate in Cambodia, or Laos, or later on, in Thailand?

Third. A third argument is made that the provision of adviser and hardware assistance, short of sending U.S. ground units, is consistent with the Nixon foreign policy doctrine announced in the summer of 1969 in Guam. This, in my judgment is too narrow an interpretation of the Nixon doctrine. The doctrine does preclude the unilateral dispatch of U.S. ground troops to a nation like Cambodia, but it also requires, as a prere-

quisite to any U.S. assistance, a decision by other free world governments in the region to send material and troop support to defend a government threatened by Communist military takeover. Although there has been some discussion that Thailand, the Philippines, Japan, and Indochina, in addition to South Vietnam and Korea should mount some joint assistance program to the new Cambodian regime, no positive steps have been taken to carry out any such plan. There is little question that the fall of Cambodia to Communist rule is a far more important threat to these East Asian and Pacific nations than to the United States.

The Nixon doctrine seeks to modify the U.S. leadership of the free world, and to remove from our shoulders the primary burden of serving as world policeman wherever anti-Communist governments are threatened.

These arguments put forth for U.S. involvement in Cambodia indicate the far-reaching consequences of the President's decision. First, he must weigh what commitment, if any, the United States has to this or any Cambodian regime. At what point would U.S. involvement or assistance cease if the threat to the current regime is not immediately ended?

Second, he must weigh the actual threat to American lives that continued Communist occupation of Cambodia would entail. Remembering that the Vietcong and North Vietnamese have been operating out of Cambodia for several years, the question must be asked whether the current threat to our troops is so much greater now that it justifies a widening of U.S. involvement in the war across all of Indo-China, and going beyond the restricted policy of hot pursuit.

Third, and perhaps most important, the President must be aware that his decision will set crucial precedents for the application of his own Nixon doctrine. If he narrowly construes it to mean that only the sending of organized units of U.S. ground troops is prohibited, it will mean little in terms of the changing U.S. role in the world. Also, the role of advisers to ground units of other nations must somehow be explained in the context of the doctrine. If we do not begin now to apply the principle that free nations in the threatened region must choose to involve themselves before America gets involved, then it will be difficult if not futile to try to encourage or enforce any regional defense concept in the future.

The whole question of the Nixon doctrine and its application to Cambodia and Laos includes the consideration of the American crisis of national priorities. We have, with the President's policy of disengagement from Southeast Asia, been moving toward a realistic balance between military and domestic budgetary efforts. If suddenly the U.S. role in Southeast Asia is widened, and not narrowed, if our financial commitments to these countries promises to tie down billions of U.S. dollars in Indochina for years to come, then we will not have met the challenge of our most serious domes-



tic crisis. At a time when the very institutions of American government are being tested as to their adequacy and relevancy to respond to the needs of our people, this could be a disastrous error.

I believe strongly that the people of the United States have no interest in Cambodia that would override our interest in disengaging from Southeast Asia, or that would override the President's earlier announced intentions to place the burden for defense of these governments on themselves and on other free nations in the East and Southeast Asian area.

Any commitment of U.S. troops, to prop up the new Cambodian regime, whether as advisers or as ground units, will render the most important plank of the Nixon doctrine meaningless. Even if we were to attain a quick military victory in Cambodia, which is extremely doubtful, the overall effect of U.S. involvement will be a widening of the Vietnam conflict across the whole subcontinent of Indochina.

We in 1970, are still suffering from the effects of a decision to enter a halfway war in the early 1960's. Any risk of extending the United States into an escalation or widening of this military stalemate should be avoided at this stage of American history.

The military budget in this fiscal year and the next is already too high. I have voted on the House floor today, in teller votes, to cut substantial amounts from the military procurement bill in areas where I believe national security is not compromised and where domestic considerations are overriding.

I fully support the amendment offered by the gentleman from New York (Mr. REID) to prohibit the use of any U.S. ground combat troops into Cambodia, Laos, or Thailand.

No one has suggested that outright destruction of all Communist forces and governments in Indochina is or should be our goal. Without any justification for a decision this drastic, there is absolutely no justification for America to extend its entry into a military holding action, or standoff confrontation in Cambodia or Laos. It was a mistake to sacrifice 41,000 Americans in Vietnam. We must not make the same mistake again, when the evidence is so clear that other international and domestic crises may engulf us if we do.

The best way to protect American troops is not to enlarge the war to include Cambodia—but to bring American troops home.

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

Mr. REID of New York. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding. I wanted to understand whether the gentleman's amendment, if it were adopted, would prevent the action that is now underway in the Parrot's Beak section of Cambodia, which the President is apparently going to discuss on television tonight. Would this amendment outlaw that activity even before the President has had an opportunity to explain what the situation is?

Mr. REID of New York. I would say

to the gentleman that this is a limitation on the use of ground combat forces. It provides no sanction, but it clearly does not preclude the use of funds for advisers or air support.

Mr. STRATTON. This would not interfere then with advisers, or with air support, or with medevac personnel and so on, is that correct?

Mr. REID of New York. It does not preclude their use. It provides no sanction for it. It provides a limitation against the use of regular ground combat forces.

Mr. STRATTON. Does the amendment or does it not eliminate funds for the kind of people who are now operating in the Parrot's Beak area?

Mr. REID of New York. It does not preclude funds for advisers or for air support.

Mr. STRATTON. I thank the gentleman. I am glad to have his statement.

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

Mr. REID of New York. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I am glad there was an apparent clarification of a response that was given a moment ago. If I recollect the question asked by the gentleman from Wisconsin (Mr. REUSS), he asked whether your amendment would preclude the military advisers. The impression I got from the response was that the amendment, under ground combat forces, would preclude the utilization of military advisers.

Mr. REID of New York. If the gentleman will permit me, my understanding is that the gentleman from Wisconsin asked whether the amendment would permit the use of advisers. My understanding is that this amendment would not preclude their use.

Mr. GERALD R. FORD. In other words, your amendment would not in any way interfere with the current operation the President has authorized to destroy the sanctuaries of the North Vietnamese and the Vietcong in Cambodia?

Mr. REID of New York. It does not preclude air support. It does not preclude advisers. It does not preclude equipment. But it does preclude the use of regular American ground combat forces in Cambodia.

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

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. RIVERS. Mr. Chairman, I have in the well of the House two maps I want all Members to see. I think if I get beside them I can explain them best. I am indicating the areas that are presently affected. Just about everyone of my acquaintance believes in the concept of hot pursuit. The Vietcong troops would go into sanctuaries inside of Cambodia and Laos. We are now talking about Cambodia. These areas to which I am pointing are the areas where they have been causing the most trouble. Observe how close that area is to Saigon—only 30 miles. We have been wondering how they could blow up Saigon every week. It was simple for Sihanouk. They are only 30 miles away. They could get the stuff where the troops have R. & R. in very large deploy-

ment areas. They have all sorts of storage areas there. They have training areas. They have just about developed this country as a staging area from which to attack Vietnam.

Moreover, they have been flanking our troops and causing terrific damage. We could win the war right here. We tried to get Sihanouk to let us do it. Nothing doing. This crowd did let us do it. I do not know how long this crowd is going to be in business and running this country, but while they are giving us the opportunity to go in and wipe out what has killed so many of our American boys, right on the border—less than 25 miles in, because I am not talking about going all over this country and taking it over—we should take advantage of the opportunity. This is to our advantage and to the advantage of the Vietnamese. We can get right across the border and clean out the bases. This is what they have been doing.

This is right along where the Ho Chi Minh Trail comes, right down this way (indicating) and through Laos and into Cambodia, and right across into the Mekong. Nothing stops them.

We can go in there and intercept the Ho Chi Minh Trail insofar as it applies to Cambodia.

We do not want to stop the President from doing that. I do not know what the President is going to say tonight. I have not talked to him. But this is what he has got to think about. If the Vietnamization is going to succeed, we have to do this first. It is as simple as that. I would not want the gentleman's amendment to keep us from going in and to keep us from doing those things that all of the generals—including Westmoreland and Abrams—have told us we must do. But while they are letting us do it, we are doing what we have begged Sihanouk to let us do. Members must remember when Sihanouk captured our sailors.

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

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

Mr. LONG of Maryland. Mr. Chairman, is it the chairman's opinion that to accomplish this, we have to use ground combat troops?

Mr. RIVERS. It is just across the border, 25 miles across the border.

Mr. LONG of Maryland. Mr. Chairman, do we have to use ground combat troops?

Mr. RIVERS. They would be on the soil, yes, but it would not have anything to do with running the government. It is doing what we want to do and what we need to do. It will destroy these areas. Until we destroy these areas, they will infiltrate South Vietnam forever and ever, and the minute Sihanouk gets in, we would not be able to get in there anyway. These are the areas I am talking about. See how every one of them is on the border of the countries.

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

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

Mr. HALL. Mr. Chairman, I think the point needs to be made certainly that, first of all, this border has not been surveyed and it vacillates, and the sanctu-

aries are on the places where theoretically the border is not by treaty, but by mutual agreement between these peoples who oppose each other.

Second, our only men going in there are in an advisory capacity to the Vietnamese who, themselves, need to eliminate these sanctuaries. Would the gentleman agree with that?

Mr. RIVERS. Yes.

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

Mr. RIVERS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I think it ought to be pointed out in addition that throughout our history the President of the United States as Commander in Chief has had and has exercised the power and the authority on occasion to land ground combat troops in case of emergency. But under this amendment, if American citizens' lives were being jeopardized in Thailand or Cambodia—or for that matter, in the Mediterranean or anywhere else—the President could not send the Marines in under this amendment. This is no time or place to attempt to circumscribe or reduce the historical powers and prerogatives of the President of the United States.

Mr. RIVERS. Of course not. The President should be commended. This saves the lives of our troops. We should have done this long ago.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. (On request of Mr. NEDZI, and by unanimous consent, Mr. RIVERS was allowed to proceed for 5 additional minutes.)

Mr. RIVERS. Mr. Chairman, as I say, I have not talked with the President, but this is undoubtedly what he has to think about. These people have been standing there and lunging at us and they have the stuff in there, and do not let anybody kid us about it. They will bring old Sihanouk back there in short order.

Mr. Chairman, I thank the gentleman from Michigan for getting me this additional time.

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

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

Mr. ARENDS. Mr. Chairman, I must say I am in direct opposition on this particular amendment.

Mr. Chairman, those who serve on the Armed Services Committee, while we do not have all the answers, are privileged on occasion to get some inside information. But, being activated, like every Member of this House, by pure love of our country, those of us who are privileged to know some of these things are in direct opposition to this amendment. It is not in the best interest of this country.

Who can outguess the President of the United States at this particular time? He is going to be on the television tonight at 9 o'clock.

Mr. Chairman, let us see what the President is going to say. Then, after what is said, we will support him in what has to be done in the best interest of this country.

This is no time for us to say to the man who has more information than

any other single person in America, who is motivated by the same things we are motivated by, what is to be done. I repeat, what is being done is what has to be done for the sake of this country.

Mr. RIVERS. I agree with the gentleman.

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

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

Mr. NEDZI. Would the chairman comment on the headline which appears in the Washington Daily News today which summarizes or epitomizes a radio column which I heard this morning quoting the Cambodian Government spokesman. The headline says, "Cambodia as Neutral Can't Approve Our Aid."

He clearly indicated, or at least was quoted as saying aid was not asked for.

Mr. RIVERS. I do not know a thing about that.

Any excuse we can get to go in and help clean out this thing will help Vietnamization and save the lives of Americans. I would hate to see us do anything to stop it.

Furthermore, we could never tell the President how to run foreign policy. He will tell us, as the gentlemen know, it is none of our business.

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

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

Mr. REUSS. Do I have the gentleman's position straight? Is it that the gentleman from South Carolina feels the United States should introduce American ground combat troops into Cambodia and therefore opposes the Reid amendment?

Mr. RIVERS. No; that is not true.

Mr. REUSS. Will the gentleman state his position?

Mr. RIVERS. My position is we should introduce troops in there if it is necessary to remove those things which are killing American boys. If we can do it by way of the Vietnamese Army, by way of giving them the material they need, when they get there they will find enough material.

Mr. REUSS. If we cannot do it by the Vietnamese Army, would the gentleman favor it with the American Army?

Mr. RIVERS. If we are ever going to secure that country these things have to be eliminated.

This is the only government that permitted us to go in there. We have tried every way before. This is the only government left.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Certainly I yield to the gentleman.

Mr. REID of New York. I appreciate the chairman's yielding.

Might I ask the chairman whether it is now a matter of law we cannot introduce ground combat forces into Laos and Thailand?

Mr. RIVERS. That is right. That is a mistake.

If there is any country we ought to go to the aid of, if needed, it is Thailand, because they let us come in there in the darkest days of our adversity and never told the world a thing. We built bases

there and used our fighters and our bombers out of Thailand.

To keep us from going to their aid is just a monumental act of ingratitude, in my opinion.

Mr. REID of New York. One final quick question, and I thank the gentleman for yielding.

If the President did send ground combat troops into Cambodia, for whatever reason it might be necessary, does the gentleman see an end of the war or does he see that as leading to a wider war?

Mr. RIVERS. If the gentleman is talking about these areas here, it is bound to shorten the war.

It will do two things. It will eliminate these things (pointing) and it will intercept the Ho Chi Minh buildup, which is coming down there like an interstate highway. The Ho Chi Minh Trail is very vast, over a very wide area. This is a part of it.

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

Mr. Chairman, I take this time—and I hope not to take it all—to caution the House about taking an action of this kind this afternoon just before the President is going to address the Nation.

I, for one, might even support this amendment at a different time. I am opposed to the entering of U.S. ground troops into Cambodia without prior consultation with Congress. However, I would caution the Members of this House this afternoon that if this amendment is passed, you will see the greatest exodus from that press gallery you ever saw, and they will all be heading for the telephones. What they will be doing is broadcasting all over the country, all over the world, that the Congress of the United States has predetermined the judgment of the President even before he made his remarks. This is the worst time that this amendment could possibly be brought forth.

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

Mr. CEDERBERG. I am happy to yield to the gentleman.

Mr. RIVERS. I not only agree with the gentleman, but let me say this: We have less than a month of fair weather over there. If we are going to eliminate these things, the time to do it is now—the time is now. When the rainy season comes it is more difficult, and that is what these people are waiting for.

Mr. CEDERBERG. May I say in addition to that that militarily I do not believe we should allow a sanctuary of this kind to exist. I am all for the South Vietnamese taking care of it and I hope they will do the task, but to allow these troops to come in during the day or during the night, into combat and kill our troops and maim the civilians and the South Vietnamese and then go back to a sanctuary and resupply themselves just does not make any combat sense.

I plead with the Members of this House, please do not take this action of approving this kind of an amendment just before the President is going to go on television. It is a tragic mistake.

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



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

Mr. LONG of Maryland. The gentleman's statement puzzles me a little bit. The President argued and only last week the Secretary of State told by subcommittee of the Committee on Appropriations that the Congress would be consulted before any movement into another Asian country would take place. All this amendment speaks to is the introduction of ground combat troops. Does the gentleman argue that—if the President makes a good case tonight or any other night that we need combat troops in Cambodia to protect American lives—the Congress would not give him that authority in a very short time?

Mr. CEDERBERG. I will not prejudge what the President will say tonight or at any other time.

Mr. LONG of Maryland. Of course, we do not know what he will say.

Mr. CEDERBERG. The gentleman knows what will happen if the House of Representatives takes this position this afternoon before the President can address the Nation.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, today we are faced with a very serious problem, one that affects every home in our country. In 1964 we had a problem similar to this. At that time we were told that the *Turner Joy* and the *Maddox* had been attacked by North Vietnamese ships. Now in looking into that you find that the commanding officers of those ships will not state they were under attack. But under pressure such as exists here and under strong pleading and suggestion from men high in the offices of this House, our House succumbed and passed the Gulf of Tonkin resolution. I want to tell you that since that time we have had 7 years of the most horrible war that has ever been visited on the people of the United States.

You know, one of the sad things about this war is that if a youngster can get into college, he does not go to the war. If he can get into the Reserves, he does not go to the war. If he can get into the National Guard, he does not go to the war. It is the poor people, the fellows who cannot go to college, who are brought in. If there was ever a war, a horrible war, that was unjustified, this is it. Plainly this is a rich man's war and a poor man's fight.

In a war involving the poorer sons of our country. I strongly support the amendment of the gentleman from New York and I ask that you consider this. I ask that you think calmly and deeply as to whether we are going to enter into a war worse than we are in at the present time. I say that this possibility exists today and now.

Mr. Chairman, Stephen Decatur once said:

Our country in her intercourse with other nations may she always be in the right, but our country, right or wrong.

We might alter that today, Mr. Chairman, and say, "Our country, right or wrong. If right, to be kept right. If wrong, to be set right."

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

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

Mr. FASCELL. Mr. Chairman, I am not going into the military aspects of the Southeast Asia problem.

However, I want to put in perspective what it is we are actually going to do under this amendment because I think that is important in the consideration of the overall principle sought to be raised by the gentleman's amendment.

I think regardless of how we are going to vote, it is important to have a clear understanding of the actual operative potential as compared to its being an expression of congressional policy.

So, first, I would like to ask the chairman of the full Committee on Armed Services whether there are any funds in this bill to finance ground troops.

Mr. RIVERS. There are no funds for personnel and no O. & M. money.

Mr. FASCELL. I am sorry but I did not hear the chairman.

Mr. RIVERS. There is no money for military personnel and no O. & M. money.

Mr. FASCELL. What does "O. & M." money mean?

Mr. RIVERS. Operations and maintenance.

Mr. FASCELL. Therefore, in order for the prohibition in the gentleman from New York's amendment to be effective or have any real meaning as far as the subject matter of this bill, it must apply to equipment and other materiel used to move ground forces into Laos, Cambodia, or Thailand; is that correct?

Mr. RIVERS. Am I to understand that the amendment is certainly germane?

Mr. FASCELL. I understand it is germane to the bill, but I just want to know what the fund prohibition really applies to.

The question I raise does not go to the overall principle as an expression of sentiment by the Congress. I think expression is worthwhile any time the Congress wants to speak on such an important matter. The question of the introduction of ground troops into any area of Southeast Asia is relevant, but I would like to know whether the fund prohibition in the amendment actually is effective as it applies to this bill. From what I understand, as the chairman just responded, it really is not.

So, it is not a legal proscription of the President's right to commit troops, or to pay for them out of other funds. It is an expression of the sense of Congress, however, which might or might not be important to the administration and which it may consider. But it legally does not proscribe the President. This is the only point I am making, at this juncture.

Furthermore, Mr. Chairman, I submit that this amendment as a matter of legal action cannot possibly change the treaty commitments which the United States has with Thailand. As a matter of law, I do not believe the Congress can do that. I do not believe, therefore, even as an expression of sentiment, the gentleman's amendment can change the treaty commitments and the right of the President

under the Constitution to implement those requirements.

It still is, however, if adopted, a very important and vital expression of the sentiment of Congress. But I do not want us to deceive ourselves that we are putting some monetary restriction on the President or that we are changing some treaty commitment or that we are changing the authority under the Gulf of Tonkin resolution. We are not doing any of that with this amendment.

Finally, Mr. Chairman this amendment can only be effective on the date this bill becomes effective, if passed. The effective date is the beginning of the next fiscal year, July 1, 1970.

Notwithstanding that, Mr. Chairman, I believe the amendment is an expression of a fundamental policy by this Congress which is vital. However, it does not undermine the President's right to say anything he wants to say tonight about this deplorable situation in Southeast Asia; it does not restrict him monetarily; it does not restrict him legally, and does not modify this country's treaty obligations, and does not change Presidential policy.

It does say, therefore, by inference and construction that it does want the President to come back to Congress.

Therefore, this expression of Congressional sentiment, very limited in its actual application, nevertheless is a useful guideline.

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

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

Mr. MOSS. Mr. Chairman, I must express my sense of dismay at the statement made by the gentleman from Michigan in talking about his President and our President over here. I have only one President, at one time. As I recall, that is the precise provision in the Constitution of the United States. President Nixon is my President, and he is the President of the United States, and I respect the onerous nature of the office he occupies, and the awesome problems which confront him but I also recognize that this House is one house of a two-house, coequal body which has very serious responsibilities imposed upon it by the Constitution and by the people of the United States.

Mr. Chairman, if this situation is so very delicate that we should not act at this moment in advance of the President's speech this evening, then it seems to me that the appropriate action would be for the Committee to rise and await the statement of the President, and then act, following that statement, upon the basis of any new evidence. Upon the absence of that evidence and under the compulsion to act now, I am going to support the amendment offered by the gentleman from New York (Mr. RERB) because I have returned not many weeks ago from Southeast Asia, where I think I undertook a rather responsible inquiry and a very comprehensive inquiry, and the developments which have occurred since my return have not surprised me

April 30, 1970

greatly, and there are other developments which could take place which would not surprise me greatly.

Mr. Chairman, I would point out that it is 17 years since we went into South Korea, and I can see two or three decades of involvement in Southeast Asia, and I can see it on an ever-expanding basis of our material resources, and I know that there is an increasingly strident demand in this Nation for a greater share of those resources.

I have no question as to the motives of some of those who oppose the United States overseas, but I know what dire dangers we face here at home if we continue to do the bad job of housekeeping, to ignore the ills of our own domestic society. We can be destroyed as surely from within as we can by any force or combination of forces from without.

It is time that we start to realize our priorities. The fact that a man steps into this well and opposes an expansion of military activities is in no sense an indictment of his patriotism. I believe that at some times, under the conditions of the moment, it takes more courage to step here and say, "Let us go slow, let us evaluate and reevaluate. Let us know what the hazards of the action we are taking might be," than it does just to stand up and say "I am going along, and I am going to wrap myself up in the flag in the process."

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I wish to say I agree with and appreciate this statement and concur that this is a matter that the House should act on.

But I would like to advise the Members that I suggested to the leadership, due to the seriousness of the matter and the fact that the President is going to speak tonight, that I thought it might be appropriate to adjourn so we could vote after the President spoke and not before. But I would advise the Members that suggestion, that I was very sensitive to, and which the gentleman mentioned, was declined.

SUBSTITUTE AMENDMENT OFFERED BY  
MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

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

In place of the amendment, substitute the following language:

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

Mr. FINDLEY. Mr. Chairman, I think we all owe the gentleman from New York a debt of gratitude because he has

caused us to enter into a very timely and, I think, very helpful discussion of fundamental military policy, one of the very few such occasions in the 9 years I have been here in the House of Representatives, years in which I have seen an unfolding of military operations unprecedented in our country, and yet almost never do we discuss the fundamental issue of the role of the United States in these far away places.

The distinguished chairman of the Committee on Armed Services, I feel, put his finger right on the heart of this issue—and I say this kindly—when he closed his comments by saying that if we try, by an amendment of this sort, to tell the President of the United States what to do in the field of foreign policy, the President would respond quite properly, to use the words of the gentleman from South Carolina, "It is none of your business."

I believe that that is a rather widely held assumption, that what happens in foreign policy, especially in fundamental military policy, is really none of the business of the Congress.

It is hard for me to accept that. In fact, I disagree absolutely with such a conclusion.

The amendment I have presented in the form of a substitute retains all of the language of the amendment offered by the gentleman from New York (Mr. REID). But, it adds some things that are unspoken by the gentleman from New York, and I think these unspoken items should be spelled out.

It deals with the item that has been in so much controversy here. Whether in a crisis, requiring a split-second decision by the President through his commanders as to whether ground combat forces should move a few feet across the Cambodian border in order to protect the lives of American troops in South Vietnam—whether or not he could respond.

Of course, the President has a grave responsibility as Commander in Chief—an overriding responsibility to protect U.S. lives whether they are in American uniform or not.

So, even if the Congress would say to the contrary—that he should not do it—it is my belief that he would have the fundamental responsibility to these American citizens to take the action—to protect their lives.

Mr. FINDLEY. I am sorry, I missed the last part of the gentleman's question.

Mr. RIVERS. Does the gentleman's amendment say in so many words that we may enter Cambodia for the purpose of protecting the lives of American troops?

Mr. FINDLEY. Yes.

Mr. RIVERS. Will the gentleman read that language of the amendment again?

Mr. FINDLEY. Yes, indeed. I am glad to. It states, "without the prior consent of the Congress"; then it adds the words, "except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

I am glad to clarify that point and appreciate the question.

Mr. RIVERS. That is what I was trying to say. I can find no fault with an amendment like that.

Mr. FINDLEY. I appreciate the gentleman's comment.

Mr. HORTON. Mr. Chairman, will the gentleman yield? I would like to ask a question on the subject about which you were just speaking.

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

Mr. HORTON. As I understood the statement the gentleman in the well made, he was talking about the idea of hot pursuit, and as I would understand hot pursuit, that would be immediately over the border to protect the ground forces in the immediate vicinity of Cambodia, the South Vietnamese border.

Mr. FINDLEY. I will say to the gentleman, if I may interrupt, that I would hope and expect the President to exercise a very narrow construction on this implied authority to use ground troops outside the borders of South Vietnam, but I can conceive of instances when this would be necessary.

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

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

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

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. HORTON. The chairman of the Armed Services Committee referred to the map to the immediate right of the gentleman in the well. I am not familiar with it, but I assume it is a map of Cambodia. There are certain MRS with different numbers. I do not know whether those are military targets or what they are. But do I correctly understand that the gentleman's amendment would not permit the introduction of ground troops under any circumstances to go into the heart of or into the major portion of Cambodia?

Mr. FINDLEY. The only circumstance in which ground troops could be introduced into Cambodia would be in the event that the President should determine that such is required in order to protect the lives of American forces within South Vietnam.

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

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

Mr. LOWENSTEIN. I wonder what would occur if the success of the Cambodia forces and our forces and of those allied to us should unexpectedly cause the other side to retreat toward, say, Phnom Penh? Would we then be obliged, under the interpretation the gentleman is giving the amendment, to pursue the enemy through the rest of Cambodia in order to be certain that at some future time they would not come back to the areas where they could harass our troops in South Vietnam?

Mr. FINDLEY. That is a question to which I do not think the answer would appear at this moment. It is up to the President as Commander in Chief to

make his interpretation of the implied powers that he exercises as Commander in Chief.

I wish to add one other thing before I yield further. This amendment to me is very important, because it speaks to the role of Congress in dealing with fundamental policy. It illustrates the limitations on our role in this area. But it also shows our authority, our responsibility. You will note that my amendment does express affirmatively the right of Congress to consent prior to the use of combat troops. If that is our decision, then we can affirmatively make the decision that our troops should be used. But it also requires that if the President makes a determination to use troops under the implied powers, then he must report promptly to the Congress that he has made that determination. That reporting requirement is nowhere spelled out in present law, to my knowledge. I think it is high time that we impose that reporting requirement on the President.

I think this alone will have a salutary effect and will tend to discourage any unjust use.

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

Mr. FINDLEY. I promised to yield to the gentleman from Indiana. I yield to the gentleman from Indiana.

Mr. JACOBS. I wonder if the gentleman would state whether or not it would be correct to say that the operative language of the Gulf of Tonkin resolution—and the amendment is set opposite the language in that resolution—was not contingent upon the protection of U.S. personnel in Vietnam and if, at the time the Gulf of Tonkin resolution was adopted, it was not also hoped a very strict construction of that resolution might be made by the President of the United States?

Mr. FINDLEY. I gather the drift of the gentleman's comments, and I must say the President may very broadly construe his implied powers. What we do or fail to do here cannot diminish his responsibility. He may fail to exercise it, but we cannot diminish his responsibility.

Mr. JACOBS. Mr. Chairman, the gentleman did not respond. My question was: Was not the operative part of that language contingent on the protection and safety of troops?

Mr. FINDLEY. It had two operative parts and one had to deal with the attack on our ships, and the other dealt with the process through which our Government should go to counter an attack in Southeast Asia.

Mr. JACOBS. It was dealing with the safety of American personnel in Vietnam, as I recall.

Mr. FINDLEY. I believe only section 1 dealt with the safety of American personnel.

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

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, inasmuch as I spoke in opposition to the Reid of New York amendment because I felt very strongly about that, I do believe the amendment of the gentleman from Illinois is a real improvement, and

I see no real reason to oppose that amendment.

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

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. RIEGLE. Mr. Chairman, as I understand the amendment of the gentleman and his explanation, it seems to me he is inferring by what he said that the President now has delegated authority to act on his own to introduce American military personnel in Cambodia.

Mr. FINDLEY. He has an implied responsibility to do so in Cambodia to protect American lives in South Vietnam.

Mr. RIEGLE. Where specifically in the Constitution can the gentleman find that? I question that.

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

(On request of Mr. GROSS, and by unanimous consent, Mr. FINDLEY was allowed to proceed for 1 additional minute.)

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

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, in the event the gentleman's substitute should be defeated, I wonder if the gentleman from New York (Mr. REID) would accept an amendment to his amendment to provide that in perpetuity no American combat troops be sent anywhere in the world, including the Middle East?

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Chairman, during the full decade of the sixties, I had the opportunity to sit down with several Presidents, and it was my privilege, following such conferences, to support the President, whether he was from my party or another party, in what he thought was in the best interests of the United States.

I am proud of the fact that in this country we can have that kind of cooperation between the leaders on one side of the aisle with a President coming from the other side of the aisle. I have always been very proud of the fact that in this body the Democratic leadership has responded as strongly in support of a Republican President as most of us responded and supported a Democratic President.

I happen to think this is a very crucial hour—and I use that word not literally, but figuratively—and it is my strong hope that at this particular point we, not as Democrats or Republicans, make a basic decision in the overall interest of the country.

I personally do not believe that either the Reid amendment or the Findley amendment ought to be approved here this afternoon. I do not know precisely what the President of the United States is going to say tonight. I think it is awfully important that the impact of his remarks not be hampered or hindered by some action taken here this afternoon.

I am a strong believer in the right of the legislative branch to participate in decisions involving our national security. But the problem of time right now is extremely serious. We could very easily take some action here this afternoon which might adversely affect the full beneficial impact of what the President will say tonight.

If I had my choice I would be opposed, as a consequence, to either amendment.

I have looked over the Findley amendment. I have consulted with experts in the executive branch of the Government. The choice between the Findley amendment and the Reid of New York amendment is easy.

The Findley amendment in effect says what the President has promised he will do. He has said that before introducing American ground combat troops into Laos, Thailand, or Cambodia he will seek the prior consent of the Congress of the United States.

On the other hand, he has said that if emergency situations arise where it is incumbent upon him as Commander in Chief to take action to protect the lives of American soldiers, sailors or marines, then he will act, but he will report immediately to the Congress and to the American people his reasons for taking such action under emergency circumstances.

Therefore, it seems to me that this proposed amendment offered by the gentleman from Illinois (Mr. FINDLEY) does no harm, because it coincides with what the President has promised us and the American people; and therefore I intend to vote for the substitute, and I would ask all on our side of the aisle and as many as possible on the other side of the aisle to do the same.

It seems to me that this is the best course in a situation which could be complicating and harmful. The facts of life are that since 1965 the Vietnamese and the Vietcong have occupied sanctuaries just across the border from which they have made forays into South Vietnam, and after they have made those forays—

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

(On request of Mr. PELLY, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, after the enemy has made these excursions into South Vietnam, killing Americans and killing our allies, they have escaped back across the border and they have rested and recouped and regrouped, and they have rearmed. Then they would come back on another occasion, at their option, with the full protection of the former Government of Cambodia.

In order to save American lives the President has authorized the kind of action, in conjunction with the forces of our allies, which he will describe in detail to the Nation in a few hours.

I hope and trust that we take no action here today or tomorrow or next week that will undermine this long overdue effort to protect the lives of Ameri-

cans now being killed in South Vietnam.

I am told that the statement to be made by the President tonight is considered to be one of major importance. I believe the best answer for us here this afternoon is to accept an amendment which I am assured coincides with the commitments already made by the President. I believe it is a far preferable amendment to the one offered by the gentleman from New York (Mr. REID).

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe that words about saving American lives confuse the issue. I believe that is what we are all trying to do, to save American lives. If Congress had acted many years ago, perhaps we could have saved many of the 40,000 American lives that have been lost in Vietnam.

Is it not true that the Findley amendment merely pulls the few teeth that the Reid amendment has in it and allows the President to do basically as he pleases?

Mr. GERALD R. FORD. I do not think it pulls the teeth of the Reid amendment. What the Findley amendment does is tell us that the President will consult with us in advance if he takes such a step in Laos, Cambodia, or Thailand, which is a promise that he has already made to us and to the American people. Then he is also given the flexibility to act if there is an emergency that arises to protect American lives and then report promptly thereafter. I think that is constructive and not harmful.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. REID of New York. I thank the gentleman for yielding.

I merely ask him, in the light of our earlier conversation this morning whether in deference to the President's speech tonight he would be willing to recommend that the House rise so that we can vote after the President's speech.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. I know that there can be an argument made that we should defer, but I do not have the privilege nor the prerogative of making that decision. Therefore I do not feel that I should comment one way or another on a decision that was made earlier to conclude the business of the day.

Mr. REID of New York. If the gentleman will yield further very briefly?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. REID of New York. In deference to the point that the gentleman was making, is it not accurate that I said an effort should be made to have a vote after the President's speech so that we would not preclude whatever he might say but equally protect the right of the House to vote on a matter wherein we have constitutional responsibilities?

Mr. GERALD R. FORD. I simply say an argument can be made—

Mr. REID of New York. I was simply asking whether the suggestion was not made earlier by this gentleman.

Mr. GERALD R. FORD. The gentleman from New York did make that suggestion. Right. It seems to me that in this circumstance we are faced with today the wise action, the constructive action, the action that is in the best interests of the United States would dictate that we support the Findley substitute and get on with the business of approving this legislation.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to have the gentleman's opinion as to whether the Reid amendment or the substitute offered by the gentleman from Illinois (Mr. FINDLEY) would impact in any way the President's authority to have advisers in Thailand at this time, and, in the judgment of the gentleman, would it withdraw the advisers we now have operating in Thailand.

Mr. GERALD R. FORD. In listening to an earlier colloquy between the gentleman from New York and the gentleman from Wisconsin I was led to believe that the Reid amendment would preclude the utilization of military advisers in Cambodia. Subsequently there was another colloquy that I am not sure clarified it, but there were more words concerning it.

Mr. REID of New York. It does not preclude that, I would say to the gentleman.

Mr. GERALD R. FORD. I am glad to have that observation.

The CHAIRMAN. The time of the gentleman has expired.

#### SILENT EPIDEMIC

(By unanimous consent, Mr. BARRETT was allowed to speak out of order and to revise and extend his remarks.)

Mr. BARRETT. Mr. Chairman, on Monday, April 27, 1970, I introduced two bills, H.R. 17234 and H.R. 17260, designed to attack and eradicate, what has been labeled the "silent epidemic," afflicting an estimated half million infants and children in our Nation's cities and towns. An epidemic of poisonings resulting from the use of lead-based paints in the interior of houses. The effects of such poisonings are at times fatal and, when not fatal, far too often tragic—leaving children with mental retardation, blindness and chronic kidney disease among other consequences.

Lead-based paint has not been used on interiors for over 10 years, but in old buildings it lies just beneath the surface of newer coats of lead-free paint. When the old walls are not properly maintained, the old paint lifts away in layered chips along with the new. This is the decor of older housing, particularly of slum housing. The children living in deteriorating houses, whose walls are layered with sweet-tasting flakes of paint, are the victims. This condition is a major health problem for the infants of those families living in older housing. In fact, aside from infectious diseases this is the major infant health problem.

Compared to the major health problems which we have already solved, the solution to this problem is relatively simple. It can be solved on a local level. Unfortunately, however, our local governments are not able to cope with this matter on their own. Many local governments have enacted ordinances against the use of lead-based paint on housing interiors. However, enforcement of the ordinance proves difficult. Further, the lead-based paint all too often has been covered over. In addition, there is the problem of lack of knowledge by many parents as to the causes and early signs of lead poisoning.

This situation can and must be corrected; and, it must be corrected now.

The two bills I introduced are designed to provide a two-pronged coordinated attack to remedy the situation.

The bill, H.R. 17234, concerns itself with the people who live in these homes. It would authorize the Secretary of Health, Education, and Welfare to make grants to assist local governments in developing and carrying out local programs to detect and treat incident of lead-based paint poisoning. In addition, it would assist in developing and carrying out programs that identify those areas that present a high risk to the health of the residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

The other bill, H.R. 17260, is concerned with the housing itself. It would authorize the Secretary of Housing and Urban Development to make grants to units of local government to assist in developing and carrying out local lead-based paint elimination programs. The bill would require that there be an approved workable program for community improvement for the locality, containing a program to eliminate lead-based paint. In addition, the bill would amend other HUD assistance programs to require that they include an effective plan for eliminating the causes of lead-based paint poisoning.

Mr. Chairman, both of these programs are vitally important to the solution of this major health problem and a coordinated attack is needed. Therefore, I believe it is important to note that both of these bills contain a section requiring the Secretaries of the respective departments to "cooperate with and seek the advice of the heads of other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority" under the acts.

Mr. Chairman, as chairman of the Housing Subcommittee of the Banking and Currency Committee, to which H.R. 17260 has been referred, I will make every effort for favorable consideration by that committee. I will also endeavor to have H.R. 17234, which was referred to the Interstate and Foreign Commerce Committee, receive favorable action.

Mr. Chairman, I urge my colleagues to join with me in sponsoring and supporting legislation to attack the problem of lead-based paint poisoning.

(Mr. PODELL asked and was given



permission to revise and extend his remarks.)

Mr. PODELL, Mr. Chairman, the Members of the House and the Senate and the American people were informed late yesterday of President Nixon's decision to provide American military advisers and American air support to the attacking South Vietnamese Army now in Cambodia. This decision was reached with the "advice and consent" of the President and his advisers and provides just cause for profound dismay.

The reasons cited for the action are similar to those given in support of the 1965 decision to widen the war in Vietnam—that widening of the conflict would bring a speedier end to the fighting. After 5 years of continued bloody fighting, 40,000 American lives, \$100 billion, the war in Vietnam continues unabated.

The faultiness of our earlier reasoning is then obvious. Yet, American decision-makers in the executive branch are still working under the same assumptions and appear ready to make the same mistakes again. The opening of this new front in Cambodia is in direct contradiction to American experience and to the recently issued "Guam doctrine."

I am deeply distressed at both the content of the decision and the manner in which it was reached. There is a constitutional requirement that the responsibility to commit American forces and arms abroad rests with two branches of Government—with the executive and the legislative branches concurrently. The President, whose search for a strict constructionist for the Supreme Court is well known, seems unwilling to follow the letter of the Constitution on this issue.

Instead, the Congress has, except for incomplete briefings, been bypassed. After being consulted "after the fact," it has been asked to concur in the decision because of responsibility to our fighting men.

The logic of such ex post facto reasoning escapes me. Decisions of such magnitude and potential consequence as troops to Cambodia require that approval be given by all representatives of the American people.

American policy seems directionless at this point. Vietnamization of the Vietnamese war and widening American involvement in Cambodia are contradictory. If the conflict expands into a pan-Indo-Chinese effort, American lives will be needlessly sacrificed.

We cannot continue to make up rules as we go along—or to spout outdated slogans. Is it too late to ask President Nixon to reconsider his decision? It is certainly not too late to ask Congress to express its disapproval. Congress has the moral and constitutional responsibility to act.

I support the amendment of the gentleman from New York (Mr. REID).

#### PARLIAMENTARY INQUIRY

Mr. STRATTON, Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN, The gentleman will state it.

Mr. STRATTON, Would it be in order to move at this time that the Reid of

New York amendment and all amendments thereto be tabled so that this matter of grave consequence might be considered at another time?

The CHAIRMAN, A motion to table is not in order at this time.

AMENDMENT OFFERED BY MR. LEGGETT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. LEGGETT, Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The Clerk read as follows:

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

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

[Mr. LEGGETT addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

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

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

Mr. OBEY, Mr. Chairman, I would like to support the amendment offered by the gentleman from Illinois, (Mr. FINDLEY) but in my judgment that amounts to little more than a Gulf of Tonkin resolution for Cambodia.

Mr. Chairman, I rise in support of the amendment of the gentleman from California to prohibit the use of any funds under this bill to introduce American troops into Cambodia.

Mr. Chairman, I have most certainly not harassed any President—Mr. Johnson or Mr. Nixon—on the conduct of the war in Vietnam. I have expressed doubts about President Johnson's policy since 1965, but I did not ask for, nor did I support immediate unilateral withdrawal.

When in October Senator SCOTT, the Republican minority leader, asked for a 60-day moratorium on criticism of the President's policies in Vietnam, I supported that.

When debate on Vietnam threatened to become highly partisan in late October, I gave speeches to my own party units asking them to give the President more time. When the Wright resolution came before the House, I voted for it because of my reluctance to restrain the President in the conduct of foreign affairs. At that time, however, I pointed out that my support for the resolution should not be interpreted as a blanket endorsement of every facet of the President's November 3 speech, nor as a pledge of unqualified support for any future Presidential action as yet unknown and undefined.

It is difficult for me to support this amendment because I do not like to in any way restrict the action of the President. But Mr. Chairman, the issue today is broader than the freedom of movement of one man, and that issue is twofold. It is first a question of whether this Nation is willing to risk a widening of the war by involvement of American troops in another unhappy nation in Indochina, and it is second, a question

of the responsibility of the Congress in determining the policies the country will follow.

Mr. Chairman, I do not believe we should vote on this bill, or on this question, until after the President's speech tonight. If we had any sense, we would postpone our action until at least tomorrow, and possibly later. But, in the absence of any delay in the consideration of this subject, I believe we have no alternative but to support the amendment.

Mr. Chairman, since the late 1950's we have been involved in Vietnam without specific congressional declarations of support. Since 1964 we have required young men to fight in combat in that unhappy land without specific congressional approval except for the Tonkin resolution, which is, at best, of dubious clarity. We are now faced with the question of whether in the absence of specific congressional consideration of this new question we should send our young men into another area of war.

We have been told by the President "no more Vietnams." Mr. Speaker, if we continue to send troops into Cambodia we run the high risk of having at least one more Vietnam and that is two more than we can afford. Indeed, it may already be too late to avoid it. Mr. Speaker, we cannot in conscience and we should not, out of respect for the Congress as an institution, allow involvement in Cambodia without specific congressional approval of that added involvement. We have had men die in an undeclared war in Vietnam for 9 years. We should not support actions which would lead to the killing of Americans in another undeclared war. In the absence of congressional consideration of this added involvement, and in the absence of congressional determination that this added involvement is in the best interest of the United States, I cannot vote to financially support such efforts. I am tired of young Americans dying in "unofficial" wars.

I am opposed to sending American men into new areas of warfare without a statement from the Congress that their sacrifice is both necessary and wise.

Mr. BIAGGI, Mr. Chairman, the recent unilateral Presidential decision to send American combat advisers, tactical air support, medical evacuation teams, and other support to Laos, Thailand, and Cambodia indicates that there is a total disregard for the advise and consent role of the Congress in making foreign policy decisions that affect our economy and the lives of our citizens.

The prior consent of Congress should, in all instances, be obtained before any decision of such potential military magnitude is made. Surely the lessons of Korea and Vietnam must not be repeated over and over again before the Congress is allowed to have a voice in determining whether or not expanded American involvement in Southeast Asian nations is in the best interests of the United States.

No doubt the safety of American troops in Vietnam must be a serious consideration in determining our Southeast Asian policy. However, the additional implications of such vital action should be approved by debate in the Congress before America is involved and committed in any other nation. This is the



only way rational foreign policy can be established.

Mr. MOORHEAD. Mr. Chairman, I rise in emphatic support of the amendment offered by the gentleman from New York (Mr. REID), which says:

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

This House, by sustaining this amendment, will make it clear to the President and more importantly to the people of the United States and the world, that we will no longer support America military excesses in Southeast Asia. Rather than sending our boys into Cambodia, we should be loading them on troopships and bringing them home. And it is at home, in the United States, where we should be concentrating our efforts and our money.

Have the mothers, wives, families, and soldiers of this Nation not suffered enough? Why must we perpetuate our existence in Southeast Asia, when it has been demonstrated time and time again that the people of this Nation want no more Vietnams.

President Nixon entered office on the strength of three promises; to end the war, to cool the economy; and generally to lower the voices of discontent and wrangling in our country.

Not only has he failed to do any one of these things. He took new steps yesterday to generate new, and who knows how far reaching, antagonisms when he ordered Americans into Cambodia. American blood has stained the earth of Vietnam. I will not see that same blood wasted on the soil of Cambodia.

I for one will not waffle on this latest Nixon folly. No money for a war in Cambodia. No American lives lost in a war in Cambodia. To this I pledge myself. And I hope that my colleagues will do similarly by voting for the Reid amendment.

Mr. TAFT. Mr. Chairman, while I support the military procurement authorization bill providing for about \$20 billion for military procurement for the next year, I hope we will be able to scale the expenditure level back in the appropriation bill that will come later. In any event, the authorization bill for 1971, on which we are voting, is \$400 million less than the authorization for last year. It includes funds for the Safeguard system that I believe is sound as a wholly defensive and deterrent weapon. Its development may well have been helpful in the progress to date at the SALT talks.

I believe that that weapon system, as well as the other military procurements authorized by the bill, are necessary in today's world when the Russians continue their buildup in strategic missiles and their activities in support of troublemakers such as the Arab nations.

While I voted on a number of amendments today, no final vote occurred on the bill, and final action was deferred until Wednesday, May 6. The deferment occurred to permit the Congress to study the President's message on Cambodia before acting on an amendment proposed by Congressman REID of New York, and an amendment to that amendment pro-

posed by Congressman FINDLEY of Illinois. The Reid amendment would have prohibited the use of the funds being authorized for the purpose of introduction of American ground troops into Laos, Thailand, or Cambodia. The Findley amendment to the Reid amendment added an exception to permit such use to the extent required to protect the lives of American troops still remaining in South Vietnam. It also would have required a report by the President to the Congress on any such finding.

My own feeling is that no American ground troops should be introduced into Laos, Thailand, or Cambodia and certainly it should not be done without the expressed authorization of Congress. However, the Findley amendment seemed to me to be consistent with inherent powers of the President, as to the defense of our forces and I, therefore, would have supported both the Reid amendment as amended by the Findley amendment.

Mr. KOCH. Mr. Chairman, there is no question in my mind that President Nixon has neither the moral nor legal right to commit American military forces in Cambodia without the consent of Congress.

The administration has now embarked on widening the war in Southeast Asia which will further delay the withdrawal of American troops from South Vietnam. President Nixon persists in the tragic illusion that military action rather than political settlement is the answer to the Indochina turmoil of the last 16 years. As I have said before on the floor of this House, the President's policy is simply the persistence of national pride beyond any political, economic, or moral justification. It is a policy that has cost the lives of almost 50,000 American young men. We must not let it continue. Let our policy be committed to saving lives rather than saving face.

By ordering American military action in Cambodia this week, President Nixon has shown contempt for the overwhelming desire of the American people to get our troops out of Southeast Asia. The President was elected to terminate our involvement, not complicate and deepen it. The democratic process is gravely threatened when any President intentionally ignores such a mandate.

I will urge my constituents to make known their opposition to the President's Cambodian decision. It is their sons and their dollars that he uses without their consent or the consent of Congress.

The American people know a tragic mistake has been made in Vietnam. It remains only for the Nixon administration to accept once and for all that judgment. So let the Government be reminded who is master and who is servant.

Mr. FISH. Mr. Chairman, the House deliberation today on the question of introducing U.S. ground combat troops in Cambodia has taken us a giant step toward restoring the role of the Congress in foreign policy.

I am opposed to the introduction of U.S. combat troops into Cambodia. I view the presence of American advisers and medical personnel with the South Vietnamese attack force invading Cam-

bodia as extremely dangerous. To me, the Nixon doctrine clearly precludes sending in American troops, leaving open the question of tactical air support and logistical support.

The memory, that advisers were only the forerunners of combat troops in the quagmire of Vietnam, is all too fresh. While the motions before the House would preclude only combat forces, I believe the Congress in the exercise of its responsibilities should be informed and its consent sought before even advisers are dispatched into foreign war zones.

In all of this, Mr. Chairman, our attention continues to be diverted from other troubled areas of the world. In my opinion, the danger of confrontation with the Soviet Union and of full-scale war is in the Mediterranean. While we have concentrated on Vietnam, the Soviet Union has placed a major fleet in the Mediterranean and has developed bases in Egypt. There is evidence that the Middle East fighting is entering a new and dangerous phase with Egyptian troops, armed with the latest Russian equipment and backed by Russian technicians, carrying out a major offensive. New SAM missile systems have been deployed in Egypt, manned by Russian technicians. Today there are persistent reports of Soviet pilots flying Egyptian jets over Egypt.

This is a very trying time for U.S. policymakers. But it seems clear to me that the interest of the United States in working toward a lessening of tension will not be served by our involvement in Cambodia. Our energies, on the other hand, should be directed toward a political settlement in Indochina and our attention directed to dangers of enlarged conflagration in the Middle East.

Mr. WOLFF. Mr. Chairman, the extension of the Vietnam war into Cambodia is most regrettable. This is especially so since the undefined, open-ended policy of Vietnamization appears to include a willingness to follow the South Vietnamese on a course of military adventurism.

One wonders, with great concern, if, as we followed South Vietnam into Cambodia, we would also follow South Vietnam on an invasion of the north, something that has been advocated by Vice President Ky.

Mr. FARBSTEIN. Mr. Chairman, the President in expanding the war in Vietnam into an Indochina war is pursuing an illusionary dream. We have heard the "we can win the war if only we expand it" logic before, and each time it has turned out to have cruel and predictable consequences. The Pentagon told us in 1965 if only we committed American forces to Vietnam we could drive Ho Chi Minh out. When that did not succeed, we were told, if only we bombed the northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

When we sent massive numbers of young Americans to Vietnam, it did not deter Ho Chi Minh, and when we began massive bombing of the north, it did not break the spirit of the enemy.

Now the President has decided to accept the advice of the military who say

an expansion of the war to Cambodia can bring military victory in Vietnam.

I believe the President is wrong, both in terms of the situation and in terms of the legality of his move.

This is the kind of situation that can only get worse. The Chinese will not permit Hanoi to be defeated. If we escalate, they can do so more easily. We must get out; we must not widen this war. Under no circumstances can we permit this country to get into an Indochinese war. No amount of Presidential explanation can overcome this fact that we have sent our soldiers into Cambodia—call them advisers or whatever.

From the legal standpoint, I believe the President has overstepped his authority. The Constitution requires the consent of the Congress to declare war. The President has not gotten nor even asked for this.

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

The recently passed national commitments resolution supported by the administration required Presidential consultation with the legislative branch before taking any new military action.

And last year, the administration rejected the Gulf of Tonkin resolution as legal justification for our presence in the area.

We have no legal justification for being in Cambodia.

This is a new war. We should get out right now.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some reasonable limitation of time with respect to these amendments.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5 o'clock.

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

Mr. GIBBONS. I object, Mr. Chairman.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 10 minutes after 5.

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

Mr. GIBBONS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

#### MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto terminate at 5:30 o'clock.

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

The motion was rejected.

#### PARLIAMENTARY INQUIRY

Mr. BOLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOLAND. Mr. Chairman, is it in order to move that the Committee do now rise?

The CHAIRMAN. Yes; it is in order.

#### MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise.

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

Mr. RIVERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 131, noes 100.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

#### COMMUNICATION FROM THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

APRIL 24, 1970.

The Hon. JOHN W. McCORMACK,  
Speaker of the House,  
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, the House Committee on Public Works on April 23, 1970, approved the following lease prospectus revisions:

Area of Fresno, Calif., Treasury Department, Internal Revenue Service Automatic Data Processing Center

Suffolk County, Long Island, N.Y., Treasury Department, Internal Revenue Service Automatic Data Processing Center

Memphis, Tenn., Treasury Department, Internal Revenue Service Automatic Data Processing Center, with an amendment that the annual rental cost of the required space not exceed \$7.00 per square ft., including service.

Sincerely yours,

GEORGE H. FALLON,  
Chairman.

#### PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BURTON of California. As I understand, the armed services bill will not be further dealt with today. Is that the Chair's understanding?

The SPEAKER. That is the understanding of the Chair.

Mr. BURTON of California. In that event, that will permit the country to tell the Congress whether or not they

want us to vote in approval or disapproval of widening the war in Southeast Asia. Am I correct in that, Mr. Speaker?

The SPEAKER. The Chair will state that the Chair does not understand that to be a parliamentary inquiry.

Mr. BURTON of California. I thank the Speaker.

#### LEGISLATIVE PROGRAM FOR WEEK OF MAY 4

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the program for next week.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, may I advise that after consulting with members of the committee and Members of the leadership on both sides, it is generally agreed, and we will act accordingly, that the military procurement bill, should go over until Wednesday next. That decision will vary the program that we had intended to announce.

Members know that tomorrow is Law Day, and there are numerous Members—large numbers of Members—who have petitioned me that they have commitments which they have made in anticipation of being able to fulfill them. With that in mind, Mr. Speaker, we will ask to go over at the conclusion of business today.

The business for next week is as follows:

Monday is Consent Calendar day, and there are eight bills under suspension:

H.R. 6951. To enact the interstate agreement on detainees into law;

House Joint Resolution 546. To provide for commemoration of the 100th anniversary of Yellowstone National Park;

H.R. 16661. To authorize a maximum of \$15,000 coverage under servicemen's group life insurance;

H.R. 16739. To extend the authority to maintain Veterans' Administration offices in the Philippines;

S. 856. To provide for participation in international expositions;

H.R. 11628. To transfer the authority to purchase office equipment and furniture for the Library of Congress;

H.R. 12619. To amend the act relating to the policing of the Library of Congress;

Senate Joint Resolution 193. To provide for the appointment of James E. Webb as Citizen Regent of the Smithsonian Institution.

Tuesday is Private Calendar day. Also on Tuesday we have H.R. 10138, Public Health Service commissioned officer retirement benefits, with an open rule and 1 hour of debate.

Then for Wednesday and the balance of the week the continuation of H.R. 17123, the Military Procurement Authorization Act for 1971, also the second sup-

# SENATE, 72-6, BIDS PRESIDENT SEEK HALT ON MISSILES

## Resolution Urges a Proposal of Moratorium to Soviet

—White House Is Cool

BY JOHN W. FINNEY

Special to The New York Times

WASHINGTON, April 9—The Senate called upon President Nixon today to propose to the Soviet Union an immediate suspension in further development of offensive and defensive strategic weapons.

The Senate recommendation took the form of a Republican-sponsored resolution adopted by a 72-6 vote. The resolution expresses the sense of the Senate that the President "should propose to the Soviet Government an immediate suspension by the United States and the Soviet Union of the further development of all offensive and defensive nuclear strategic weapons systems, subject to national verification of other measures of observation and inspection as may be appropriate."

Meanwhile, some members of the general advisory committee of the United States Arms Control and Disarmament Agency characterized as "not accurate" a report in The New York Times yesterday stating that the committee had recommended such a weapons deployment moratorium to the President.

### Details Not Disclosed

The committee's report is private, and committee members refused to discuss the precise language of the recommendations.

The general recommendation, according to committee members who declined to be identified, was that the United States should propose a comprehensive agreement limiting strategic weapons. This would be in contrast with a more exploratory approach being advocated within the Government to seek agreement covering specific weapons systems.

Some confusion arose, however, over whether the comprehensive approach also contemplated an interim moratorium on weapons deployment.

The committee, headed by John J. McCloy, consists of leading representatives of business, labor and scientific organizations as well as former Government officials. Several of its members have informed Republican Senators that they interpret their recommendation as including the moratorium approach advocated today in the Senate resolution. But this interpretation was disputed by other members of the committee, who said they were not endorsing a moratorium.

White House officials today were passing the word that the Administration was not prepared to accept such a moratorium as its opening proposal for the resumption of the talks with the Soviet Union on the limitation of strategic arms. The talks, now entering the substantive stage, are to be resumed next Thursday in Vienna. At a private dinner last night, Henry A. Kissinger, the President's national security adviser, was reported to have offered two principal objections to the Senate proposal for a mutual moratorium on weapons deployment.

One was that such a step might get the United States trapped in an open-ended moratorium that would be difficult to terminate, even if there was no progress in the arms-limitation talks. Second, Mr. Kissinger was said to have argued, the United States must proceed cautiously in what are expected to be protracted negotiations.

Senator Edmund S. Muskie, Democrat of Maine, sought to meet at least some part of these objections today by proposing that the initial "standstill" in weapons deployment be limited to six months. At the same time the Maine Democrat, in a Senate speech, accused the Administration of "massive ambiguity" in its attitude toward the talks.

### No Time Limit Asked

In contrast to the Muskie proposal, the resolution adopted by the Senate places no time limit on the suggested moratorium on weapons deployment, although Senator Edward W. Brooke of Massachusetts, the principal sponsor, talked of a freeze lasting 18 months to two

As Mr. Kissinger's comments indicated, this indefiniteness of the proposed moratorium is expected to be a major point of Administration criticism of the resolution. On the technical level, objections also are expected to be raised about the feasibility of monitoring a halt in testing of multiple-missile warheads, which is contemplated in the Senate resolution.

The resolution was adopted with almost no opposition, although Senator John Stennis, chairman of the Senate Armed Services Committee, objected at one point in the final debate that the Senate was interfering with the negotiating prerogatives of the President.

Senator J. W. Fulbright, chairman of the Senate Foreign Relations Committee, retorted that by means of the resolution the Senate was just reasserting its constitutional right to advise the President, as it had done yesterday in rejecting the Supreme Court nomination of G. Harrold Carswell.

The six Senators voting against the resolution were James B. Allen, Democrat of Alabama; Henry L. Bellmon, Republican of Oklahoma; Paul J. Fannin, Republican of Arizona; Barry Goldwater, Republican of Arizona; Russell B. Long, Democrat of Louisiana, and Strom Thurmond, Republican of South Carolina.

### Idea Discussed by Nixon

At a recent news conference, President Nixon dismissed the proposed resolution as "irrelevant" since, he asserted, it merely stated the Administration's objective of reaching an arms limitation agreement with the Soviet Union. But throughout the Senate debate, the sponsors of the resolution argued that their purpose was to seize the psychological initiative by having the United States propose a moratorium on weapons deployment right at the outset of the resumed talks with the Russians.

Without such a pause, they contended, the chances for a permanent agreement might be lost as both sides continued deploying such weapons as multiple-missile warheads and antiballistic missile systems.

Now that the Senate has approved the resolution, the President finds himself caught between conflicting counsels as he decides upon the opening American position for the talks in Vienna.

Mr. Kissinger and other Administration officials are believed to be urging a cautious "building block" approach in the talks, seeking agreement in certain areas, depending upon the Soviet reaction, rather than a comprehensive freeze on strategic weapons.

While the advisory committee of the Arms Control and Disarmament Agency is urging the President to seek a comprehensive agreement, its recommendation is open to varying interpretations on whether it also contemplates an immediate moratorium on weapons deployment.

Though the Senate resolution is not binding upon Mr. Nixon, it reflects the preponderance of bipartisan opinion within the upper chamber and thus can not be ignored by the President, who will ultimately have to return to the Senate with any treaty agreed upon in the arms-limitation talks. The resolution was initially introduced by Senator Brooke, amended by Senator John Sherman Cooper, Republican of Kentucky, and then endorsed by the Senate Democratic Policy Committee.

In the resolution, the Senate, in effect, is telling the President that he can count upon bipartisan support if he proposes a moratorium at the opening of the Vienna talks. Conversely, he faces the possibility of Senate criticism if he fails to take such an initiative in the talks.

of his unanimous-consent request to those statements and to that type of business which is conducted prior to and during the period for the transaction of routine morning business which would not exceed 10 or 15 minutes, so that we would be protected in the event that some item of business at that point were to go on for, say, an hour or an hour and a half.

Mr. MANSFIELD. That was understood. I do not want the Senate to get caught short again by having an unobjected to bill brought up in the morning hour and then have the rule of germaneness apply.

In my opinion, that is indefensible. It runs against the intent of the Senate. It violates the Pastore rule. It was for that reason that I offered the unanimous-consent request, that little bills to which there is no objection do not have the rule of germaneness apply, but that the germaneness rule will apply only after the morning hour and the laying down of the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. GOLDWATER. Mr. President, reserving the right to object—

Mr. MILLER. Mr. President, will the Senator from New Jersey yield for a brief comment?

Mr. CASE. Mr. President, I yield first to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, if there is any argument about the request, I will withdraw it. There are other ways by which I can accomplish its purpose.

Mr. GOLDWATER. Mr. President, under the rule of germaneness I have not been able to make a statement on the floor for the better part of a week.

Mr. MANSFIELD. The Senator is correct. But he was coming in under the rule of germaneness when it actually applied, not during the morning hour or routine morning business.

Mr. GOLDWATER. Mr. President, is it possible to ask unanimous consent to extend the 3 minutes to say 10 minutes in the morning hour?

Mr. MANSFIELD. Yes, indeed.

Mr. GOLDWATER. Mr. President, it was virtually impossible to get the floor during the debate on the Carswell nomination.

Mr. MANSFIELD. Mr. President, I would have no objection.

Mr. MILLER. Mr. President, has the minority leader been consulted?

Mr. MANSFIELD. Yes. The Senator is in full accord with this, because he understands the rule of germaneness.

Mr. MILLER. Mr. President, the Senator from Iowa did not know that. If the minority leader has indicated that he has no objection, I have no objection.

Mr. MANSFIELD. Mr. President, I discussed it with the minority leader as well as the understanding of the interpretation placed on it by the Senator from West Virginia.

The PRESIDING OFFICER. Does the majority leader renew his request?

Mr. MANSFIELD. Yes.

Mr. CASE. Mr. President, I do not believe I know what the request is.

Mr. MANSFIELD. Mr. President, I withdraw it.

Mr. BYRD of West Virginia. Mr. President, I hope the majority leader will not withdraw the request.

Mr. MANSFIELD. Mr. President, I feel remiss at holding up the Senator from New Jersey.

Mr. CASE. Mr. President, I did not know what the request was.

The PRESIDING OFFICER. The clerk will state the request.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Montana (Mr. MANSFIELD) asks unanimous consent that for the remainder of the second session of the 91st Congress, the Pastore rule of germaneness of debate shall not begin to run until the conclusion of routine morning business or until the unfinished business is laid before the Senate, whichever comes later.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, does the request that was just read include the modification that the Senator from West Virginia proposed?

Mr. MANSFIELD. That is correct. I have so asked that the modification of the Senator from West Virginia be included.

Mr. MILLER. Mr. President, may I have the modification restated?

Mr. BYRD of West Virginia. Mr. President, if I might restate it—

Mr. MANSFIELD. Mr. President, if this goes on for 1 additional minute, I withdraw it. It is too picayune a matter.

The PRESIDING OFFICER. Does the Senator from Montana renew his request?

Mr. MANSFIELD. Mr. President, I object. I withdraw it.

The PRESIDING OFFICER. There is objection.

#### OPPOSITION TO USE OF SAFEGUARD ABM EXPANSION AS A "BARGAINING COUNTER" IN SALT NEGOTIATIONS

Mr. CASE. Mr. President, two decades of the greatest arms race the world has ever seen have brought the Soviet Union and the United States to the realization that neither country can or will permit the other to achieve a permanent advantage in nuclear capability.

Both nations understand that the nuclear weapons deployed by each deny the other the opportunity of launching a surprise attack without being destroyed in return. They have come to realize that this rough parity is in the interest of each country to preserve. That, of course, is the reason we have been able to enter into the strategic arms limitation talks.

Maintenance of this parity is both the aim and the condition of effective arms limitation. By effective, I mean limitation which will be observed because neither side feels disadvantaged by it. Effective arms limitation will lessen tensions and permit the allocation of resources to more productive purposes.

Conversely, an agreement which either side mistrusts because it believes the

other side gains an advantage is obviously worthless. The nation that believes it is disadvantaged will be more determined than ever to "catch up," setting off another round of arms escalation and thereby increasing tensions once more.

But, like all simple truths, this hard-won knowledge which has brought us to Vienna is elusive. It must constantly be restated. Too readily can it be lost in the mechanics of bargaining, tactics, and countertactics. Too easily can each side slip back into the mistaken view of the other side as an opponent to be coerced or outwitted.

There is some evidence that this corrosive process may already be underway.

In recent weeks, a disturbing argument has been resurrected to justify further expansion of the Safeguard Anti-Ballistic Missile system, an argument which can endanger the very mutual interest and confidence which is vital to successful negotiations. It is privately urged, though seldom publicly stated, that Safeguard expansion must be approved so that it can serve as a "bargaining counter" by the United States in the SALT talks.

The suggestion is that congressional approval of the proposed Safeguard expansion is necessary in order to convince the Soviet Union of a fact of which I think they are well aware—that we, the United States, can and will match them in another arms race if they do not cooperate at Vienna.

I believe that the Congress and the American people should be told in clear terms whether or not the executive branch is requesting the expansion of Safeguard as a negotiating counter in Vienna.

I, for one, will not believe this unless I am forced to. Certainly it is clear that our negotiators at these talks, the Arms Control and Disarmament Agency, do not hold this view.

For understandable reasons, Mr. Gerard Smith, head of this Agency, felt he could not respond directly to my question on this point in recent Foreign Relations Committee hearings. But he did say:

I do not think that the United States should start new programs just for the sake of trying to establish additional bargaining power. I think there is plenty of bargaining power on our side with our present on-going programs.

The hard advice of those who have dealt with the Soviet Union across the negotiating table is as direct and unequivocal as it is realistic in view of our experience. Again, Mr. Gerard Smith:

For two nations who are grappling with the immense problem of controlling strategic arms, it probably is more likely that there will be some sort of arrangement if the sides are more nearly alike in strategic forces.

This mutuality of interest in, and the confidence of both sides which comes from, the existing parity in strategic weapons are the condition for successful arms limitation talks. Moreover, their preservation is the goal of such talks. Both are endangered by the use of Safeguard expansion as a bargaining counter.

If Safeguard is approved and if it turns out that the SALT talks are stretched



April 7, 1970

S 5192

out over a period of years, then this country will have on its hands a burgeoning ABM system, one to which the Soviets would have to respond on the possible chance that it might prove effective. By our actions we will have guaranteed the very continuing Soviet SS-9 deployment which we are seeking to halt, a deployment which, according to Secretary Laird, Safeguard could not defend us against.

There is already some evidence that this "bargaining counter" approach may be feeding Russian suspicions and inspiring fundamental uncertainty regarding the U.S. intentions toward the SALT talks.

As pointed out by Dr. Shulman of Columbia University, the Soviet press recently has been posing two basic questions:

First. Is the United States really prepared to accept approximate strategic parity as a basis for negotiations?

Second. What is the meaning of American moves to deploy MIRV, expand Safeguard, develop a new strategic bomber?

We can be certain that this Soviet puzzlement to some extent is put on for our benefit.

But we also can be certain—if the long years of the cold war have taught us anything—that at least some among the Soviet leadership can be expected to place the worst possible construction on our actions. They will seize upon the fact of Safeguard expansion, if we do go ahead with it, as an immediate threat to be responded to. All they will want to know is whether this so-called bargaining counter shoots missiles. Speculation about American motives they will leave to the philosophers.

Vastly more direct and constructive is the proposal of Senate Resolution 211 that: First, prompt negotiations between the United States and the Soviet Union to seek agreed limitation of both offensive and defensive strategic weapons should be urgently pursued; and second, the President should propose to the Soviet Union an immediate mutual suspension of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification and other inspection measures as may be appropriate. The Soviet Union well may consider such a freeze in their interest.

Instead of confronting the Soviet Union with Safeguard expansion and letting them figure out what we are really up to, the United States should, in Prof. Roger Fisher's words, present the Soviets with a "yesable proposition," something to which they have only to agree.

That, of course, was the intent and spirit of the resolution which I offered last summer calling upon the President to suspend flight tests of multiple reentry vehicles for so long as the Soviet Union does the same.

Almost 7 years ago, President John F. Kennedy confronted the Soviet Union with a similar proposition, saying:

I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so.

We all are aware that what followed this bold initiative was one of the most important breakthroughs in American-Soviet relations since World War II.

Within 5 days of the President's speech, Chairman Khrushchev had welcomed the proposal and further had ordered a halt in the production of Soviet strategic bombers. Within a month, negotiations were underway on the nuclear test ban treaty. Then, on August 5, 1963—8 weeks to the day following the President's speech—the treaty was signed. It never has been broken.

This initiative did not originate in any wishful view of Soviet good will or out of any expectation of a sudden revolution in human nature. But the President did warn the American people not to look upon communication with the Soviet Union "as nothing more than an exchange of threats." And, as he noted, even the most hostile nations can be relied upon to keep those agreements which are in their own interest.

Mr. President, I emphasize that again because it is the basis of all international relations: The recognition that nations act and will always act in their own interest; that the problem in dealing between countries and among nations is based upon the recognition by each of them that the other will act in this manner; and that the problem is to find things on which agreement can be reached, things which are in the interest of all nations concerned—in this particular case, in the interest of both Russia and the United States. Any other agreement between two nations which is not based on the recognition of this principle cannot be relied upon at all for the future.

The results of President Kennedy's initiative, which reflected this principle, are every day with us in the decreased levels of atmospheric radioactivity and in the health of our children.

The lesson is clear.

Of course there is no prospect that a sweeping, permanent freeze on the deployment of all strategic nuclear weapons, or even of any single major weapon system, can be quickly and easily agreed upon at SALT. But precisely because the SALT negotiations undoubtedly will be lengthy and involved, it is vital that the present rough strategic parity between the Soviet Union and the United States be frozen at its present level while these negotiations take place.

To present the Soviet Union with a specific, "yesable" proposition designed to buy time for these negotiations is no confession of weakness. It is a prudent recognition of our mutual interests and of the realities of modern technology.

The present mutuality of interest between the United States and the Soviet Union must not be endangered in the effort to achieve what could not be even a temporary advantage of bargaining position, one which could only inspire uncertainty and suspicion imperiling the SALT talks themselves.

I urge that the Senate overwhelmingly approve Senate Resolution 211 as it was unanimously reported out by the Senate Foreign Relations Committee and which

in its original form had been cosponsored by some 45 Members of the Senate.

Mr. President, I would like to add this observation. We shall be dealing in this body at considerable length somewhat later in this session on the justifications offered by the administration and the Department of Defense for the expansion of the Safeguard anti-ballistic-missile system. Of course, the major justifications were three: The defense of our missile sites, protection against the so-called Chinese threat, and protection against stray or accidental missiles which might be fired and which might have devastating effect in a particular locality.

Many questions will be presented as to the effectiveness of the Safeguard system from the standpoint of its technology. I have not attempted to go into these questions in this talk, since such technical issues must be gone into at length at the proper time.

But at this time I did want to bring out into the open and express my own belief that any further justification—apart from the technical question, apart from the question of the necessity of Safeguard as a weapons system—does not have a sound basis in fact, and, in fact, would be counterproductive; namely, the argument that we need it as a bargaining counter for the SALT talks in Vienna. I think this argument is wholly without a sound basis, and even to urge it could present an added difficulty to the success of the SALT negotiations.

I yield the floor.

Mr. BROOKE. Mr. President, the able Senator from New Jersey (Mr. CASE) has made another of his incisive contributions to this vital debate. I wish to emphasize one of the points he makes; namely, his reference to the character of Soviet discussions of SALT and arms control prospects in general.

It has long been common for some U.S. observers to suggest that the Soviets were not interested in a general freeze on strategic weapons. In particular, some spokesmen in and out of the U.S. Government have implied that the Soviets were not interested in or concerned about MIRV technology and would not agree to a limit on ABM systems.

I believe any such conclusions are plainly unfounded. We do not yet know what the Soviets may be willing to accept and will not find out until firm proposals have been thrashed out. That is why it is so essential for the United States to advance a concrete, comprehensive plan when the SALT talks resume in Vienna.

Much has been made in the West of a comment by Premier Kosygin some years ago indicating that defensive weapons were not destabilizing and apparently suggesting that they should not be subject to the same controls as those proposed over offensive weapons. But I think it is now clear that the Premier's remarks were not read in context and were given exaggerated weight. As a current article in the Soviet periodical, *Twentieth Century and Peace*, reveals, only 3 days after Kosygin's famous remark in a London press conference, *Pravda* offered an explicit corrective, stating:



The Soviet Government is ready to negotiate the problem of prohibition of further armament race both in the field of offensive as well as defensive weapons.

Indeed, the authoritative chairman of the Soviet Academy of Sciences Committee on the Scientific Problems of Disarmament, Prof. V. S. Emelianov has repeatedly underscored this receptivity to controls over both offensive and defensive weapons. Emelianov has stated that—

The salvation from the dangers which face the peoples of our planet in connection with the creation of modern weapons, should be sought not in the creation of illusory means of defense, but rather in the annihilation of the very source of the dangers—the nuclear weapons.

There is good reason to believe that the Soviet Government is divided on some of these issues, as the U.S. Government has always been. But it would be incorrect to approach the SALT negotiations on the assumption that the old myths of Soviet disinterest in limits on both offensive and defensive weapons will apply. The situation is different from past arms negotiations and the prospects are more hopeful, if we but realize the opportunity for mutual restraint. The fluidity of Soviet attitudes, though marked by caution as are our own, is a fact we should recognize. Helsinki has been followed, for example, by a number of quiet Soviet feelers which appear to be inviting a proposal such as that contemplated in Senate Resolution 211.

It is to help President Nixon seize this great opportunity for turning the arms competition into more secure channels that the supporters of this resolution believe the Senate's opinion should be expressed in this manner. If the Soviets do not prove receptive to the recommended suspension of deployments of both offensive and defensive weapons, there will be ample opportunity thereafter to explore more limited arrangements.

Once again I commend the distinguished Senator from New Jersey for his enlightened and constant efforts to advance this great cause.

#### ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Arizona is recognized for not to exceed 10 minutes.

#### NEW EVIDENCE SUPPORTS JUDGE CARSWELL

Mr. GOLDWATER. Mr. President, the debate on Judge Carswell has greatly interested me because of figures which have been used which just have not sounded reasonable to me—a nonlawyer. Questions asked of judges in other courts, who are friends of mine, have verified my misgivings and research by my staff has backed this up.

I am able to release today the results of a study which proves beyond any doubt that Judge Carswell is eminently well

sued for a position on the Supreme Court bench.

This study is the first complete analysis that has been made of Judge Carswell's decisions while he was sitting as an appellate judge. It clearly reveals two previously overlooked facts which are highly pertinent to Judge Carswell's qualifications.

First, the study discloses that the nominee holds the special distinction of having been assigned, while he was a district judge, to sit with the Fifth Circuit Court of Appeals in no less than 54 different cases.

What is more, his record in these cases gives him an average of 93 percent as an appellate judge. In other words, his decisions and opinions as a visiting judge on the circuit court have prevailed 93 percent of the time.

When his record of 54 cases as a visiting appellate judge is added to the minimum of 100 decisions which he has joined in since coming to the higher court, it becomes clear that his judicial record on the Court of Appeals is over 50 percent more extensive than the number of his published decisions from the district court. This means that his critics have built their attack against Judge Carswell based on much less than half of his total record.

Mr. President, this new data provides convincing evidence of the high esteem with which Judge Carswell is held in the Fifth Circuit. It is an unusual tribute for any district judge to be chosen so many times to sit with circuit judges in the decision of appellate cases.

Of particular interest is the fact that none other than Chief Judge Tuttle, who headed the Fifth Circuit, picked out Judge Carswell time after time to be a member of the same review panel of which he, Judge Tuttle, was a member.

Judge Carswell sat together with Judge Tuttle on at least 25 different occasions. This certainly gives a true picture of the high regard and great confidence which Chief Judge Tuttle had for the credentials and skills of Judge Carswell. It clearly gives renewed meaning to the letter of endorsement which Judge Tuttle had written on behalf of Judge Carswell.

Mr. President, throughout this debate, I have noticed an unusual preoccupation by Judge Carswell's opponents with various sets of statistics compiled by law students. I hope they will give equal consideration to the striking new data that I have released today.

This evidence, going as it does to Judge Carswell's performance as an appellate judge, is much more pertinent than the incomplete and misleading statistics which the critics have been using.

His detractors have ignored the total of 4,500 cases which Judge Carswell has handled as a district judge and have focused only on those cases which were appealed. There is no question that this is a greatly distorted method of examining the nominee's credentials. It gives no weight at all to the vast majority of cases which Judge Carswell handled so well that there was no ground for appeal.

Also, it completely ignores the setting of each decision. It hides such important considerations as whether or not new law

was handed down by the higher courts after the lower court decision.

For example, many of Judge Carswell's critics have pointed to two school desegregation cases of his which were reversed by the fifth circuit court of appeals. These are supposed to demonstrate that Judge Carswell is hostile to civil rights.

What his detractors neglected to tell us, however, was that 11 other district judges in the fifth circuit were reversed by the same higher court ruling. And someone forgot to mention that Judge Carswell himself voted to reverse 11 of these cases—419 F.2d 1211. He was in complete agreement with his fellow judges that an intervening Supreme Court case required swifter school desegregation in the fifth circuit.

In fact, Mr. President, the statistics used by the opponents are not even accurate. They have accepted data prepared by law students without making an examination on their own. My office has discovered five cases of Judge Carswell's that were affirmed by the circuit court, but overlooked by his critics—293 F.2d 261, 337 F.2d 753, 341 F.2d 351—two cases, 21107 and 21111—399 F.2d 93, and 420 F.2d 60.

Who knows how many more they may have omitted before arriving at their misleading statistic?

Mr. President, the school integration decision I have cited is not the only one which demonstrated the nominee's concern with human rights.

The study which I have initiated has uncovered 11 additional decisions that are without any question procivil rights—353 F.2d 585; 415 F.2d 325 and 1377; 417 F.2d 838, 845, and 848; 418 F.2d 549 and 560; and 420 F.2d 379, 527, and 690.

Mr. President, the opponents could have discovered this for themselves. It should not be necessary for a Senator who is not a lawyer to have to seek out these hidden facts. In the face of this balanced record, the minority report on the nomination of Judge Carswell makes the unqualified charge that the nominee's supporters can find no activities to show "his commitment to equal rights."

Now each of my colleagues who signed this report is a lawyer. With all due respect, I must suggest to my colleagues that if I, who am not a lawyer, can turn up 10 or 11 decisions solidly backing minority rights then surely they can do even better.

This same failure to do their homework has marked the testimony and speeches of nearly every one of Judge Carswell's critics. As another example, I might refer to Dean Pollak, who is normally well prepared.

And yet he appeared before the Senate Judiciary Committee to express his concern about Judge Carswell when he had merely read some of his district court opinions covering a period of 5 years. This is 5 years out of an 11-year span on the lower court.

To top it all off, Dean Pollak admitted that he had only spent the Saturday evening and Sunday morning previous to his testimony running through these

cases. He did not study any of Judge Carswell's Circuit Court cases at all.

Now, I really must ask—is this fair? Can Senators truly reach a reasoned decision on the basis of opinions volunteered by individuals who have failed to review the whole record? Or have we been fed a bunch of snap reactions founded solely on emotional judgments?

Mr. President, the study I have undertaken reveals 54 decisions in which Judge Carswell joined while he sat as a visiting judge on the Fifth Circuit bench and at least another 100 in which he participated after he became a circuit judge.

In fact, I have come across seven opinions which Judge Carswell himself wrote during the years he sat as a visiting Judge on the higher court and another 16 which he has written since becoming an appellate Judge.

In all, his decisions from the appellate bench total over 150. This is half again as large as his printed decisions as a district judge. In other words, his opponents have ignored more than half of Judge Carswell's judicial record in reaching their position.

To my mind, anyone who is actually seeking the truth of the matter will examine each of these cases before jumping to the conclusion that Judge Carswell is not fit for the Supreme Court.

In my opinion, his complete career leaves no doubt that Judge Carswell is a highly capable individual and a skilled jurist.

His record is a balanced one. His decisions prove that he has often voted on the side of human rights.

His testimony before the Senate committee rings out with expressions of deep concern and knowledge about human problems.

There is no sound reason for opposing his nomination.

Judge Carswell is extremely well qualified to serve as a member of the Supreme Court. I shall support his nomination 100 percent.

Mr. President, at this point, I ask unanimous consent to insert in the RECORD a table of citations which will verify the findings I have released.

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

**STUDY OF U.S. DISTRICT JUDGE CARSWELL'S RECORD OF DECISIONS AS AN APPELLATE JUDGE**

An analysis of every Fifth Circuit appellate decision published in the Federal Reporter, Second Series, beginning with 1959 cases and continuing into 1969 cases, reveals that District Judge Harrold Carswell has been assigned to sit on the higher court bench as a visiting judge on at least fifty-four occasions.

Chief Judge Tuttle participated as a member of the same appellate court as Judge Carswell in twenty-five of these cases.

Only three of the fifty-four decisions were reversed by the Supreme Court. One was vacated.

In all, the decisions in which Judge Carswell joined have prevailed as sound law in 92.6 percent of the cases.

This data clearly establishes the credentials of Judge Carswell to sit as an highly competent member of any higher court. It definitely proves his capacity and experience to serve as an Associate Justice of the United States Supreme Court.

The list of decisions in which Judge Carswell participated on the appellate bench, while he was a District Judge, is as follows:

*Federal Reporter—2d series*

Volume:	Page
286	46
286	72
286	742
287	252
287	623
301	630
304	460
304	876
304	881
305	158
305	934
307	790
307	802
307	894
308	724
309	1
309	397
310	11
310	53
310	66
310	77
310	82
310	328
311	291
311	429
311	437
311	438
312	134
312	207
313	187
313	303
314	852
317	295
340	707
340	708
340	708
351	278
351	304
351	384
351	455
351	456
351	468
351	470
351	489
351	609
351	611
351	671
351	952
352	69
352	76
353	485
353	585
355	543
364	829

<sup>1</sup> First case.  
<sup>2</sup> Second case.  
<sup>3</sup> Subsequently reversed.  
<sup>4</sup> Subsequently vacated.

An analysis of Fifth Circuit appellate decisions published in the Federal Reporter, second series, from volumes 415 through 420, discloses, at least, 101 decisions which Judge Carswell has joined in since he became a judge on the court of appeals. The decisions include cases in which Judge Carswell wrote the court's opinions. These cases are as follows:

Volume:	Page
415	325
415	743
415	766
415	773
415	1007
415	1012
415	1017
415	1115
415	1129
415	1377
416	10
416	18
416	379
416	407
416	412
416	441
416	451
416	914
416	917
416	949
416	968
416	972
416	1042
416	1077
416	1235
416	1246
416	1257
416	1332
416	1333
417	94
417	135
417	198
417	218
417	296
417	303
417	329
417	518
417	628
417	629
417	633
417	838
417	845
417	848
417	1042
417	1134
418	134
418	238
418	306
418	405
418	417
418	441
418	206
418	275
418	439
418	482
418	1093
418	560
418	549
418	847
418	849
418	873
418	1112
418	1250
418	1305
419	10
419	30
419	91
419	122
419	152
419	223
419	381
419	128
419	149
419	1209
419	384
419	572
419 (11 cases)	1211
419	1306
419	1310
419	1312
419	1325