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CONTACT OF MEMBERS OF CONGRESS BY GOVERNMENT AGENCIES

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

Mr. ARENDS. Mr. Speaker, I was somewhat amazed at the two recent statements made by the gentleman from California and the gentleman from Minnesota. I suppose my question should be: So what is new now? Those of us who have been around here for some time have gone through this very same experience year after year regardless of what party is in power. Nothing new has been added. The procedure is merely repetitious. Do not get excited about it. I happen to be one of those who, when the President of the United States happened to be a man named Jack Kennedy and a President named Lyndon Johnson, they did not call me from any of their departments, because it so happened these individuals were my Presidents and I believed it was my duty, acting in the welfare of the country, that I support the President of the United States regardless of party affiliation. That is all there is to it.

THE COOPER-CHURCH AMENDMENT

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

Mr. McCLORY. Mr. Speaker, in our action today on the Military Sales Act—H.R. 15628—some will attempt to define and elaborate on constitutional issues affecting the respective prerogatives of the President and the Congress in the area of foreign policy.

However, the so-called Cooper-Church amendment is neither a precise nor accurate statement of the role of the Congress in connection with the President's primary responsibilities in the area of foreign policy and as Commander in Chief of our Armed Forces.

It should be clear to all that the President has evolved a new foreign policy which departs dramatically from a policy which our Nation has pursued for 25 years.

The Nixon doctrine assures the complete withdrawal of our American combat forces from South Vietnam at the earliest possible time. The President's policy also provides for a reduction of our military involvement elsewhere—and the assumption of major responsibilities by those nations themselves which are threatened by enemy attack.

The President has made good on his promises to withdraw American forces from Vietnam and from Cambodia. In addition, it was announced within the last few hours that 40 percent of our American forces in South Korea would be brought home.

President Nixon's policy is one which I support—and which I believe is best for our Nation and for the entire free world. The slogan "Back Nixon for Peace" makes sense to me. At the present time, I would not want to back any other

person in our Government who may claim that he has a better plan—or a sounder foreign policy for the guidance of our Nation. Of course, there is no feasible way in which to substitute the judgment of some other such person for the President of the United States.

In voting against a motion to instruct the managers on the part of the House to accept the so-called Cooper-Church amendment, I am convinced that I am voting for peace in Southeast Asia and elsewhere—and that I am reposing confidence in the most capable hands which are available in this critical period of our history—those of President Nixon.

This is not intended as an answer to the difficulty constitutional issue which has been raised both before and following the Cambodian operation. This subject deserves careful and thoughtful attention and concern. It is my hope that the House bill—H.R. 18205—of which I am a sponsor, now being heard by the House Foreign Affairs Committee, will make it possible to resolve that issue for the benefit of this and future Presidents and Congresses.

APPOINTMENT OF CONFEREES ON S. 3215, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3215) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, THOMPSON of New Jersey, BRADEMAS, REID of New York, and SCHERLE.

APPOINTMENT OF CONFEREES ON H.R. 15628, FOREIGN MILITARY SALES ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15628) to amend the Foreign Military Sales Act, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

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

Mr. FRASER. Mr. Speaker, I object.

MOTION OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Foreign Affairs, I move to take from the Speaker's table the bill (H.R. 15628) to amend the Foreign Military Sales Act, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania (Mr. MORGAN) is recognized for 1 hour on his motion.

Mr. MORGAN. Mr. Speaker, I have no

desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question.

Mr. WYDLER. Mr. Speaker, today I have voted to send the foreign military sales bill to conference with the Senate. This bill is essential to our national defense and that of our allies in both the Far East and Mideast.

I urge the conference to report a bill back quickly so that we might have the means to supply Israel with needed military equipment at a time when Communist pressure is being applied against her in the Middle East.

The so-called Cooper-Church amendment, although vague in its wording, could serve to indicate congressional concern with the Far East situation, but its prohibition against paying salaries to all persons engaged in any combat activity in support of Cambodian forces should be removed. I want Asia forces to join together and fight together so that American forces can come home. I want to encourage such activity and to help those resisting communism in the Far East.

The words of this amendment are so broad that they could prohibit U.S. contributions to the U.N. to provide a United Nations peacekeeping force to Cambodia.

In my judgment this provision is against U.S. interests and sets a bad precedent for those countries engaged in the fight against communism around the world.

We should be encouraging nations in the world to join together to fight their own battles against communism and not restricting our efforts and their efforts toward this end.

I believe such a prohibition should be stricken and that the conference should reach quick agreement on the bill so that the President will have the power and means necessary to help our friends and allies.

Mr. FISH. Mr. Speaker, the purpose of the Cooper-Church amendment passed by the Senate and added to the Foreign Military Sales Act is to prevent the United States from becoming involved through the use of American combat forces in the defense of another Southeast Asian government, and through such a defense becoming involved in a widened Vietnam war.

This was the purpose of an amendment adopted by the Congress last December which was aimed at forbidding the use of American combat forces in Laos and Thailand. Cooper-Church is the extension of that same prohibition to Cambodia.

If adopted, the Cooper-Church amendment would:

First, bar funds for reintroducing American forces into Cambodia;

Second, prohibit funds either directly or indirectly for American advisers for the Cambodian military forces;

Third, prohibit the payment by the United States of salaries of mercenaries to fight in Cambodia; and

Fourth, it would also forbid the financing of aerial activity in direct support of Cambodian forces.

The Cooper-Church amendment would not prevent;

First, "hot pursuit" by American forces of enemy troops into the Cambodian sanctuaries:

Second, artillery fire from South Vietnam at enemy forces threatening our troops from Cambodia;

Third, interdiction by our Air Force of enemy supplies and troops moving along the Ho Chi Minh trail and other routes used to bring men and material to South Vietnam; and

Fourth, military assistance to the Cambodian government in the form of small arms and supplies.

Thus, the Cooper-Church amendment not only is directly in line with the amendment of last December prohibiting the use of American ground combat forces in Laos and Thailand, it is in direct agreement with the Nixon doctrine with its pledge of no more Vietnams.

Passage of the Cooper-Church amendment would not abridge any American treaty obligation. It would not prevent this country's efforts to create a Southeast Asian defense organization among the countries directly involved. Its passage would not in any way impinge upon, or weaken the President's powers in any other area of the world.

It does strengthen and encourage the Vietnam troop withdrawal policy initiated by this administration: it emphasizes deescalation after the long years of escalation. Its passage would, I believe, also state the belief of Congress in the need for national priorities in foreign and military affairs. In the same sense that this body has often addressed itself in the past year and one-half to the need for new priorities in domestic affairs.

Thus, the Cooper-Church amendment would not hinder or bar administrative freedom of action in Western Europe, in our relations with our NATO allies, or in the Middle East. If it did, I would be the first to vote against it.

Rather, its adoption would clearly state that in the view of this Congress there is a time and a place for all things. That to stand firm against Communist aggression in a rice paddy may be virtuous, but in the priorities of a Western industrial nation it holds little meaning if because of that stand that same aggressor extends its influence over continents.

I am, of course, speaking of the critical situation in the Middle East. Since my election to Congress, I have strongly supported President Nixon's policy of withdrawal from Vietnam, as it has been my belief that only through such a withdrawal could this Nation gain flexibility in areas of the world of greater importance to our national interest. I have repeatedly warned that while this Nation bled and died in the rain-soaked jungles on the outer fringe of the vast Asian Continent, Russia has been moving steadily into an area vital not only to the United States, but to Western Europe.

For 6 long years while this Nation has concentrated its entire foreign and military energies on an area of little strategic and no historic interest to the United States, Russia has quietly moved into a position of dominance in an area of historic and strategic importance for the entire Western World. While we have

torn the unity of this Nation in a no-win war in an area that even were we successful, it would bear little meaning to the vital interests of this Nation, Russia has moved a modern fleet into the Mediterranean, with major bases in that important sea and in the Indian Ocean. While we have divided and torn the spirit of this land and watched our best young men fight and die half way around the world, Russia has moved to dominate the entire north African littoral.

While, in the name of American might we have stood knee deep in a rice paddy, we have frittered away every opportunity to protect our own self interest in an area which provides three-quarters of free world oil. We have done this through concentration on Vietnam and Vietnam alone. We have done this until today we have only one friend or ally in that entire area and that is Israel. We have done it until President Nixon has had to warn of the imminent danger of confrontation of the super powers in the Middle East.

For those who equate a defense of Vietnam as of the same magnitude as a defense of Israel and our position in North Africa, Western Europe, and the Mediterranean, I would point out that such an equation in my mind would be like attempting to equate a defense of Madagascar in World War II as of the same importance as a defense of Britain.

Thus, I do not view adoption of Cooper-Church as a conflict between administration and Congress. Rather I view it as a cooperation between the two branches of our Government. I see it as the legislative branch saying to the administrative branch: "You are correct in your policy of disengagement and withdrawal in Indochina. You are correct in your view that a wider war in that area of the world would serve no vital interest of this Nation. We applaud your policy which has so dramatically in only 18 months turned disastrous escalation into deescalation. We support your move from war to peace."

Mr. Speaker, in my view Cooper-Church would strengthen America's position in the world. It would clearly show that the administration and Congress are one in their determination to end this long-drawn war, and that we stand unified in desiring peace. It would also serve notice to the Communist world that we are moving to regain flexibility in our foreign and military policies, and that they will no longer be able to take over the living room of the Western World while we expend our resources on the back alleys of the Asian Continent.

Mr. PELLY. Mr. Speaker, the question before the House concerns the Cooper-Church amendment to the Military Sales Act.

Mr. Speaker, during the long debate in the Senate on the Cooper-Church Amendment, I read the newspapers and even the Congressional Record discussions on the various amendments having to do with the Indochina War, but I must admit the full implication of these various amendments that were adopted are rather vague. Before I vote to instruct our conferees to accept the Senate language that has been added to the

Military Sales Act, I would want a full explanation as to what it does and what it does not do.

However, what worries me about instructing our managers on the part of the House that they must take the Senate language as it comes from the Senate is something else. I hear, and I am convinced it is true, that if we instruct our conferees, there will be no bill; that it will never get out of conference. My fear is that if the Military Sales Act is not enacted, the effect on the Middle East situation could be very serious in that it would prevent any action on our part to maintain a balance of power between Israel and the Soviet backed Arabs.

The Soviet operation of SA-III missiles against Israeli aircraft in the Suez Canal battle zone represents a further and unprecedented phase of direct Russian military escalation in the Middle East. Yet, if the Congress fails to pass the Military Sales Act and it dies in conference, any chance then of obtaining the funds for supplying Israel Phantom jets appears doomed; so regardless of the merits of the Cooper-Church amendment, I cannot vote in a way that would preclude keeping a balance of power in the Middle East for peace.

This is a difficult bargain for many, Mr. Speaker, but as President Nixon pointed out in his television interview last week, the situation in the Middle East probably is far graver than that in Indochina, and I would hope that in conference the Cooper-Church amendment in a form more acceptable to all, including the President, could be arrived at.

I have always opposed any arms race, and I do so in the matter of sending arms to the Middle East. However, it is merely a practical matter that these jets are needed by Israel simply to maintain a balance. It is the Soviet Union that is feeding the arms race by their power play in the Middle East. What the Russians seek is to dictate the terms of a new Mideast order, one which in deference to the client states will deny Israel both peace and security.

This is the crux of the issue now being contested along the Suez Canal cease-fire line. The battle is a crucial one because on its outcome depends the future national integrity of democratic Israel and also, in large measure, the future course of the Middle East as a whole.

Mr. Speaker, I urge that the Senate-passed Military Sales Act be sent to conference without instructions, and let us then get on with providing necessary military balance of military might needed in the Middle East.

Mr. PODELL. Mr. Speaker, on June 30, the U.S. Senate took a historic step toward reestablishing the traditional balance of power between Congress and the Executive.

I support the motion to instruct in the fervent hope that the House of Representatives will join the Senate in reaffirming the constitutional right of Congress to declare war and regulate the military.

When this body was called upon to consider the Foreign Military Sales Act

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in April, the idea of the United States invading Cambodia was so remote as to be inconceivable. Almost unanimously, we agreed to strict limitations on American involvement in Laos and Thailand. But the very thought of our expanding the war into tiny, neutralist Cambodia was so unbelievable that this body did not bother to enact written limitations.

What happened next is now one of the saddest pages in our Nation's history. On April 30, just 6 days after this body passed the foreign military sales bill, with prohibitions on our becoming involved in Laos and Thailand, the President did what we had thought was too inconceivable to consider. Without the consultation or consent of Congress, the President plunged our Nation headlong into war in Cambodia.

What warped delusions of conquest and grandeur led to such an incredible blunder? We can only guess.

We now know, however, that from start to finish, the President's invasion of Cambodia was a horrifying and complete failure.

Let us compare the President's promises about the Cambodian venture with what actually happened.

In his April 30 declaration of invasion, the President promised to "attack the headquarters for the entire Communist military operation in South Vietnam." This "headquarters" was never even found.

The President promised that his invasion of Cambodia would reduce American casualties in Vietnam. There has been no such reduction.

The President promised that his invasion of Cambodia would limit the scope of the Indochina war. The Communists now control more of Cambodia than they did prior to April 30.

The President promised that by June 30 the entire invasion, including air support for South Vietnamese troops in Cambodia, would be ended. It is now mid-July, and we are still risking the lives of American flyers over Cambodia skies.

Finally, and most tragically, Mr. Speaker, we have learned that news of soon-to-be-replaced supplies we have captured cannot drown out the cries of our wounded in Cambodia, or the sobs of those at home who have lost loved ones as a result of the President's disgraceful escapade.

We have learned that we cannot end one illegal war by trampling over our Constitution on the way to another illegal war.

I ask the Members of this House to join our colleagues in the Senate in saying, "We must face our responsibility and share with the President the burden of foreign policymaking."

I ask the Members of this House to join our colleagues in the Senate in saying, "We will have no more illegal wars."

Mr. SCHWENGEL. Mr. Speaker, today I cast my vote against the previous question on the motion to send the Foreign Military Sales Act to conference.

My vote reflected a desire on my part to have more extended debate on the various amendments added by the Sen-

ate, particularly the Cooper-Church amendment.

Mr. Speaker, the Senate spent a considerable amount of time debating this legislation. It seems to me we could spend at least 1 hour debating and discussing the amendments of the Senate before we send the bill to conference.

In addition, Mr. Speaker, I voted against the motion to table the motion to instruct the House conferees to accept the Cooper-Church amendment as adopted by the Senate. My strong feeling is that we should face head on the issue presented by the Cooper-Church amendment.

We in the Congress have too often been accused of "ducking" issues. The adoption of the motion to, in effect, table the House allows the House to avoid the direct question on the Cooper-Church amendment. In my opinion, we should have met the issue head on. We should have been ready and willing to take a stand on the Cooper-Church amendment.

It is my hope, Mr. Speaker, that we will yet have the opportunity to vote on the Cooper-Church amendment.

Mr. KEITH. Mr. Speaker, when I was in Southeast Asia recently with the House Select Committee studying recent developments there, I was particularly interested in learning what the chances were for success of the Nixon doctrine after U.S. involvement in that region is ended. The chances seem slim unless the nations of Southeast Asia evidence more interest in regional cooperation and in preparations for their own defense. If the countries of the region are to be impressed with the need for developing their own initiative, the United States must first make it plain that under the situation as it now exists we contemplate no expansion of our military presence in Southeast Asia to fight the other nations' battles for them.

The Cooper-Church amendment is a vehicle by which Congress can, in the case of Cambodia, clarify the limits of American support and intervention. If it passes we can still provide weapons and economic assistance for the defense of Cambodia but the Lon Nol government will be on notice that on it rests the primary burden for its own defense. Similarly, the other nations of the region will, by passage of Cooper-Church, be made to realize the need for reliance on their own initiatives and manpower to preserve the stability of Southeast Asia.

Mr. Speaker, much of the dissatisfaction in the country with our involvement in Vietnam results from the failure of Congress to carry out its foreign policy role and exercise its war powers. It is essential, therefore, if we are to avoid a move divided nation and involvement in another protracted war in Southeast Asia, that Congress reassert its right specifically to debate and act on further American military involvement in the region.

I have no doubt that the President is sincere in his stated intention to refrain from direct military aid to the Lon Nol Government. However, the future holds

many uncertainties among them the possibility that the President may decide that his goal of a just peace in Vietnam cannot be achieved without an American presence in neighboring Cambodia. Such a decision could contain the seeds of another Vietnam. I do not believe the President should make such a move without consulting Congress and receiving its approval for his proposed course of action.

We have come to the realization that our interests are best served by phasing out our commitment in Southeast Asia. The Cooper-Church amendment is in line with this policy of requiring local forces to assume the burden of their own defense and I urge concurrence in the Senate's approval of this measure.

Mr. COHELAN. Mr. Speaker, I urge the conferees to accept the Cooper-Church amendment.

I know that the various parliamentary maneuvers that will take place might obscure the substantive and symbolic meaning of the Cooper-Church amendment. What does it mean substantively? It correctly provides that another direct U.S. military operation into Cambodia must have congressional approval. This is long overdue. I do not denigrate the power of the President as Commander in Chief, but as Members of Congress, we do have constitutional responsibilities in the conduct of our Nation's foreign policy. The Cooper-Church amendment reaffirms, in part, this congressional responsibility to seek congressional authorization for a major U.S. military involvement.

There are other worthwhile substantive features of the Cooper-Church amendment. There are prohibitions against the direct or indirect use of American advisers in Cambodia. This prohibition could prevent the creeping commitment that inexorably lured us in the Vietnam quagmire. I am hopeful that the prohibition against direct air support for the Cambodian Army will have a similar effect, but reports from Cambodia suggest that the military interpretation of U.S. air interdiction will be justified as support of American troops. Still, with this prohibition on record, the administration will be on notice that the Congress does not want another Vietnam or an Indochina war.

On the symbolic level, I feel the Cooper-Church amendment has much more import. It is another opportunity for the Congress to exercise its constitutional prerogative in the conduct of our foreign policy. It has been correctly asserted that the executive branch has primary responsibility for foreign policy, but the abnegation of congressional responsibility cannot be allowed to continue. I have utilized every means to persuade, encourage, and force the incumbent President to end our untenable Vietnam commitment.

We are now offered another opportunity to act assertively and constructively. The Cooper-Church amendment reaffirms the obligation of the President to consult with the Congress and seek approval for major military involvements. This is the first step. The next will

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come next month when I with other concerned Members will offer an amendment to the DOD appropriations bill to provide the fixed and orderly withdrawal of all U.S. troops from Vietnam, the amendment to end the war.

Mr. Speaker, the time has come for action. As elected Representatives, we have the obligation to act and extricate ourselves from this quagmire. We are all painfully aware that this undeclared war has caused or exacerbated our domestic crisis. It has caused death and destruction with little tangible results except in the heartbreak of the families of our dead and maimed soldiers, a broken and crushed Southeast Asia, a decimated civilian population. This is graphic testimony to the bankruptcy of our Vietnam policy. If the President is not willing to act then the Congress must assume the burden. The Cooper-Church is another step in taking this responsibility.

I urge the conferees, whatever the results of the House action today to accept the Cooper-Church amendment. Congress as an institution for too long has passively accepted Executive decisions. It is time to act.

Mr. ADAIR. Mr. Speaker, I rise to ask the Members of this body to register their support today for those who will be named as conferees to the House-Senate Conference on the Foreign Military Sales Act, H.R. 15628.

This will be a most difficult conference. A number of points have been added to the bill by the Senate, which will require a most careful review by the House conferees.

This will be a conference in which your conferees will need the highest degree of flexibility in order to achieve a reasonable compromise—a compromise that will be acceptable to the House.

I believe that the situation developing in the Near East is causing many people to become increasingly aware that this legislation provides a vital tool to those who seek to find ways to support our friends and allies in that area.

This is only one of many reasons why the conferees should be given the maximum opportunity to cope with a fast-changing situation.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am outraged that the House of Representatives did not fully debate or vote on the Cooper-Church amendment to the Foreign Military Sales Act.

For more than 7 weeks the other body debated, argued, agonized over whether the Congress had the right and responsibility to withhold funds for the continuation of military operations in Cambodia after July 1, 1970.

The Cooper-Church amendment passed in the other body, and it fell to the Members of this House to decide if we were prepared to follow suit and reassert congressional control and authority over the warmaking powers.

Unhappily, Mr. Speaker, the House of Representatives did not accept and in reality could not even face up to this responsibility. Working in collusion with the White House, the leadership on both sides could not arrange for even 1 hour of general debate. Imagine that—the 435

Members of the House of Representatives had collectively less than 60 minutes to discuss a matter of grave national consequence. With a singularly collective callousness toward the citizens whom we represent, the House leadership allowed less than 14 seconds per Member for us to debate the question of war and peace.

The antiquated rules of the House of Representatives must be reformed and radically revised. The Members of the House must be allowed adequate time to debate and fully explore the vital national problems which face us. More importantly we must be able to vote on these vital substantive questions; and our individual votes should be clearly recorded for our constituents and all the American people to see.

The American people have a right to expect that their representatives will forthrightly accept and exercise their constitutional responsibilities to order national priorities.

The American people have a right to know that their representatives are debating and voting on vital national issues.

The American people have a right to know how their elected representatives vote in Congress.

The rules and procedures of this House must become more responsive to the mood of the times and to the people.

If America is proud of being an "open society," let us in this same spirit open the debates and votes of the House of Representatives to the scrutiny of all.

I had planned, Mr. Speaker, to join in the general debate urging the House to adopt the Cooper-Church amendment. Unfortunately, I was not permitted to speak. Had I spoken, I would have said the following:

WE MUST SUPPORT THE COOPER-CHURCH AMENDMENT

Mr. Speaker, I strongly urge the House to accept the Cooper-Church Amendment as contained in the revised Foreign Military Sales Act now before us. The Cooper-Church Amendment, in keeping with the declared objectives of the President, prohibits the expenditure of funds to support the involvement of U.S. forces in Cambodia after July 1, 1970, without explicit Congressional approval.

All American forces have now been withdrawn from Cambodia. This amendment prohibits the reintroduction of U.S. forces into Cambodia, outlaws the use of American air power in support of Cambodian troops, stops the use of American advisors operating to support Cambodian military operations, and, finally, prohibits American funds from supporting third country mercenary operations in Cambodia.

These provisions, Mr. Speaker, are eminently sound. One need not go too far back in history to recall the quagmire into which America fell because we had "advisors" in Vietnam; and it makes little sense for the American taxpayer to subsidize the use of Thai or Vietnamese or any other "foreign" Asian troops in Cambodia through the payment of under-the-counter subsidies to foreign countries.

The Cooper-Church Amendment in no way undermines the Constitutional power of the President as Commander-in-Chief. The President would still retain full power to do whatever is necessary to protect the lives of our troops wherever they may be deployed. This is a vital point.

I support this Amendment. Mr. Speaker, as a minimum first step toward restricting

U.S. military involvement in Indochina and reasserting Congressional prerogatives over the war-making power. I am an original sponsor of what is now H.R. 1000 which will cut off all funds for U.S. military activity in Vietnam, Cambodia, and Laos after July 1, 1971. This is the House version of the "McGovern-Hatfield Amendment" which I hope will be taken up and passed by both bodies without further delay.

Weeks ago, Mr. Speaker, I warned that the United States might be supporting military action in Cambodia through the "backdoor" via Thailand. Subsequent development have shown all too clearly that my fears were indeed being realized. By adopting the Cooper-Church Amendment the House will effectively cut off all backdoor financing for the Cambodian military operations. And hopefully our action will serve as a precedent to eliminate all American "backdoor" support for military operations anywhere in the world.

If America is to become involved in military action on any continent, let the Congress openly discuss and approve such action. The power and dignity of the Congress itself is directly at stake. Passage of this amendment will be an explicit recognition of our determination to reassert our Constitutional prerogatives and squarely meet our Constitutional responsibilities.

To do less, Mr. Speaker, would be to abdicate our mandate from the electorate to re-order our national priorities.

Mr. BROWN of Michigan. Mr. Speaker, although the dissatisfaction, which I share with many, about the Southeast Asian situation gives popular appeal to proposals such as the Cooper-Church amendment, I think it is intellectually and legislatively dishonest to single out one geographic area where such a restrictive provision on use of funds may have greater popularity and pretend that other potential Vietnams do not exist.

The proponents of this amendment contend that their efforts are aimed at restoring to the Congress its proper constitutional role in warmaking decisions; yet, the substance of what they propose hardly scratches the surface of this very basic and fundamental question.

How can the so-called antiwar Members of Congress decry the violence and "warmongering" tendencies of this Nation insofar as our involvement in Vietnam is concerned and, yet, not take any steps to preclude such violence and "warmongering" by unilateral act of the President in the Middle East, Europe, South, and Latin America, Africa, and other places in the world? And, how can the so-called antiwar Members of Congress decry the disastrous effort on financing of our domestic needs by the drain on our Federal budget caused by our involvement in Southeast Asia and, yet, not only not object to financial commitments for military sales in all parts of the world but actively be frontline supporters of the "sale" of over \$1 million Phantom jets to Israel?

Do you think that the people of this Nation are so stupid as to fail to see the intellectual and legislative dishonesty—the intellectual and legislative inconsistency—of these positions?

I totally concur with the premise that the Congress must immediately devote its best thinking and efforts to a better delineation of the powers of the President as Commander in Chief vis-a-vis the powers of the Congress with respect to

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this Nation's military activities and commitments under our constitutional mandate for a separation of powers. But, this effort, this duty, this obligation, must be directed at all military activities, involvements, and commitments, not just to one existent involvement too geographically limited at best and post facto in its application at worst. Are we to assume that the fuzzy thinking of the proponents of this type proposal will await each new involvement unilaterally entered into by the President as Commander in Chief for the taking of similar "after the fact" action and expect to be praised and honored for their efforts as they do on this occasion of our involvement in Southeast Asia?

It is my fervent hope that not only the Congress, but the people of this Nation will reject this superficial, and probably counterproductive attempt toward discharge of the Congress' responsibility on this fundamental issue.

It is my fervent hope that there will be popular rejection of this bandaid solution and equally popular demand that the Congress enact legislation giving "to the President the things that are the President's and to Congress, the representative of the people, the things that are the Congress'."

Just as the fathers of our Constitution attempted to make this delineation of authority and responsibility between the President and the Congress with respect to the warmaking power, so must we for today make applicable, useful, and effective that which has been so conceptually established by our forefathers in our Constitution.

I have held the belief and totally concur with those who contend that the "declaration of war" contemplated by the framers of our Constitution is obsolete today, although their concept of a separation of the warmaking power—the military action commitment power—between the President and the Congress is still valid.

The claim has been made that where authorization is needed nothing short of a formal declaration of war will satisfy the Constitution's demand for congressional control of the war power. It is difficult, though, to find any rationale for such a claim. In addition to the *obsolescence and general undesirability of a formal declaration today*, the claim finds support neither in the language of the Constitution, the intent of the framers, the available historical and judicial precedents nor the purposes behind the clause. (Emphasis added.)

Congress, the President, and the Power To Commit Forces To Combat—*Harvard Law Review*, vol. 81, June 1968.

For myself, I suggest that we terminate the rhetoric, speechmaking, and extended debate and put our hearts and our minds into a sincere effort toward resolution of this fundamental and inescapable problem. For myself, I have already spent hours and days toward the finding of a legislative solution which will comprehensively, and on a functional basis, establish the limits of the Presidential and congressional authority and responsibility. I am satisfied that such guidelines can be established and that we can, for today and tomorrow—in this age of nuclear weaponry and world

supremacy for this Nation—as clearly set forth the separation of powers as did our forefathers at a time when a fledgling nation the constitutional mandate for separation of powers had application only to a preserving of our independence and campaigns against Indians, where the most potent weapon used was a musket.

Mr. Speaker, I would also like to comment upon the procedural aspects of the motion to instruct the conferees. Frankly, to avoid criticism of "gag rule" I would have preferred to have given the proponents of an instruction of the conferees an opportunity to express their views thereon. However, procedurally, this became impossible. This preference is not expressed because I believe some new argument might be made or new material presented, since I think most of us have followed the extensive debate in the Senate quite closely and even the House had earlier debated the substance of the proposal at some length when this bill was originally before us for consideration. Rather, I dislike any attempt to prevent a reasonable opportunity to be heard by any Member even though he may disagree with the position I support.

Mr. LEGGETT. Mr. Speaker, I have heard it said that President Nixon is the only President we have, and we must back him to the hilt. We must not oppose his present foreign policies, and we must give him *carte blanche* to do whatever he wishes in the future.

In my view, both the Constitution and common sense require us to reject this line of reasoning. Yes, Mr. Nixon is the only President we have. But a President is neither a king nor a dictator nor a God, even in matters of foreign policy. Nor is he, as is frequently asserted, the Nation's Commander in Chief. He is Commander in Chief of the Armed Forces. This means only that he is superior to every general and admiral; it says nothing about his relationship with the Congress nor with the American people.

By very precisely distributing the power of Government between the various branches, the Constitution explicitly denies the President the power to make certain types of major foreign policy decisions on his own. He cannot bind the country to a treaty without two-thirds concurrence of the Senate. He cannot conduct any military activities at all unless the entire Congress indicates its approval by the authorization-appropriations process.

Although the authority of the Congress to establish policy through the authorization-appropriations process is supreme, as a practical matter it is necessary to leave day-to-day decisions in the hands of the Executive. But today we are not dealing with a day-to-day decision.

We are dealing with the broad policy outlines of the Cooper-Church amendment. This amendment says it is the policy of the Government of the United States not to widen the Vietnam war into Cambodia. It says the U.S. Government shall not send Americans to die in an attempt to preserve the Government of Cambodia. It says the U.S. Govern-

ment shall not hire troops of other countries to support the Government of Cambodia.

By passing this amendment, we will not be interfering with the powers of the Executive. We will be laying down policy for the Executive to execute. This is what the Constitution says the people of the United States are paying us to do.

Of course, to say the Cooper-Church amendment is constitutional is not to say it is necessarily desirable. But in my view it is most highly desirable.

Four Presidents, from Truman through Johnson, made decisions which progressively led us into the Vietnam quagmire. President Truman chose to support the French in their effort to reestablish colonial domination over Vietnam. When the French effort collapsed, President Eisenhower chose to begin an American effort. President Kennedy chose to expand that effort. And President Johnson chose to commit a half million American combat troops in pursuit of military victory.

I think almost all of us regret these decisions. If we could somehow go back in time and advise these Presidents, our advice at each juncture would be an urgent "Stay out." It is a heck of a lot easier to stay out than to get out once we are in.

Now we are at a similar fork in the road. We must decide whether or not we want to preclude a commitment to the preservation of the Government of Cambodia.

I suggest it is strongly in the national interest to rule out this commitment. The Lon Nol government has precious little to recommend it. It has almost no demonstrated popular support.

The only move Lon Nol has made that has aroused any popular enthusiasm has been the slaughtering of several hundred ethnic Vietnamese civilians, which we can hardly applaud.

All Lon Nol has going for him is his anticommunism, and even this is not very impressive. Two years ago he was selling guns and supplies to the Vietcong. Today he finds anticommunism more profitable. Tomorrow, who knows?

In any case, as we are finding with Ky and Thieu, it takes more than anticommunism to make a viable or desirable government.

Six years ago, Senator Morse warned Senators who were about to vote for the Tonkin Gulf resolution they would live to regret it. During the past few weeks, we have seen Senator after Senator get up on the floor and tell how much he now regrets his vote.

In 1964, we were asked to open a Pandora's box that should not have been opened. We complied. Today we have an opportunity to lock shut a box that should be locked. If we do not avail ourselves of it, we are going to wish we had.

Mr. DULSKI. Mr. Speaker, I support the Church-Cooper amendment to the Foreign Military Sales Act, H.R. 15628, and I hope very much that the House conferees will go along with the Senate amendment in the forthcoming House-Senate conference.

I opposed U.S. intervention in Cambodia and I feel the Congress should make clear in law its opposition to further extension of our military activity in the Far East.

However, I shall oppose any effort in the House to tie the hands of the House conferees in their negotiations with their Senate counterparts. In particular, I refer to the reported plan to instruct the House conferees to accept the Church-Cooper amendment.

My opposition to this proposed maneuver is one of basic policy on procedure—not the issue. I support the Church-Cooper amendment and hope it will survive the conference.

However, as one who has participated in and chaired numerous House-Senate conferences, I believe it is a serious mistake to freeze the House conferees in advance on any particular point of difference.

For this same reason, I am opposing the effort to freeze the House conferees on the postal reform bill as regards the House-approved so-called right to work provision.

I believe the conferees should have freedom to act within the full range of conference limitations.

When the conference report is returned to the House, the Members then will have the opportunity to act on any specific point in the agreement reached by the conferees. At that time, I hope to have the opportunity to vote in support of the Church-Cooper amendment.

Mr. OTTINGER. Mr. Speaker, the action in the House of Representatives today in regard to the Foreign Military Sales Act and the Cooper-Church amendment was nothing short of disgraceful.

Through a series of parliamentary maneuvers supported by the leadership, the House rejected the Cooper-Church amendment without permitting even the briefest debate on one of the most important issues facing the country.

The Cooper-Church amendment went nowhere near far enough in defining and limiting the power of the Executive to wage war without the consent of Congress. It did, however, represent an important first step in that direction. It also represented the results of 7 weeks of debate in the Senate; yet the House rejected the Senate's proposal in less than 1 hour and without any discussion whatsoever.

One result of this hasty and ill-considered action was to prevent debate on other provisions of this bill. Thus, the House accepted without question or discussion a provision in the Senate version which prohibits the sale of aircraft to any country but Vietnam. By accepting this provision without debate, the House has—perhaps unwittingly—threatened to close the door on the sale to Israel of the jet airplanes that are so badly needed to preserve the balance of peace in the Middle East and offset Russian missile installations in Egypt.

The day was not totally without gain, however. It did produce a record vote on the Cooper-Church amendment. This was not the final chance for the House to act on the Foreign Military Sales Act. Eventually the House will again have an opportunity to pass on the results of the Senate-House Conference. Those interested in seeing Congress exert its authority in ending the war in Indochina now have a check list of the Congressmen

who need further attention from their constituents.

Through its actions today the House once again abrogated the responsibilities of the legislative branch to serve as check and balance to the Executive. By supplementing parliamentary maneuvers for public debate on important issues, the House has again dramatized the urgent need for reform of the legislative process to make Congress truly representative and responsive.

I urge the Senate to hold firm in its position. I also urge that the hundreds of thousands of concerned citizens continue and even redouble their efforts to persuade those representatives who voted against the Cooper-Church amendment today of the need for the House to accept its responsibilities to end the Indochina war.

Mr. MORGAN. Mr. Speaker, I move the previous question on the motion.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRASER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 143, not voting 41, as follows:

[Roll No. 207]

YEAS—247

- | | | |
|----------------|-----------------|---------------|
| Abbutt | Claawson, Del | Grover |
| Abernethy | Cleveland | Gubser |
| Adair | Collter | Hagan |
| Albert | Collins | Haley |
| Alexander | Colmer | Hall |
| Anderson, | Conable | Hammer- |
| Tenn. | Corbett | schmidt |
| Andrews, Ala. | Cowger | Hansen, Idaho |
| Annunzio | Crane | Harsha |
| Arnds | Cunningham | Harvey |
| Ashbrook | Daniel, Va. | Hastings |
| Ayres | Davis, Ga. | Hays |
| Baring | Davis, Wis. | Hébert |
| Beall, Md. | de la Garza | Henderson |
| Becher | Delaney | Hogan |
| Bennett | Dennis | Hollifield |
| Berry | Dent | Hosmer |
| Betts | Derwinski | Hull |
| Bevill | Dickinson | Hunt |
| Blackburn | Dorn | Hutchinson |
| Bianton | Dowdy | Ichord |
| Beggs | Downing | Jarman |
| Bolling | Dulski | Johnson, Pa. |
| Bow | Duncan | Jonas |
| Bray | Edmondson | Jones, Ala. |
| Brinkley | Edwards, Ala. | Jones, N.C. |
| Brock | Erlenborn | Jones, Tenn. |
| Brooks | Eshleman | Kazen |
| Brotzman | Evins, Tenn. | Kee |
| Brown, Mich. | Fallon | King |
| Brown, Ohio | Feighan | Kleppe |
| Broyhill, N.C. | Fisher | Kluczynski |
| Broyhill, Va. | Flood | Kyl |
| Buchanan | Flowers | Landgrebe |
| Burke, Fla. | Flynt | Landrum |
| Burleson, Tex. | Ford, Gerald R. | Langen |
| Burton, Utah | Foreman | Latta |
| Byrnes, Wis. | Fountain | Lennon |
| Cabell | Frelinghuysen | Lloyd |
| Camp | Frey | Lujan |
| Carter | Fuqua | Lukens |
| Casey | Gallagher | McClory |
| Cederberg | Garmatz | McCloskey |
| Chamberlain | Goldwater | McClure |
| Chappell | Goodling | McCulloch |
| Ciancy | Gray | McDade |
| Clark | Green, Oreg. | McFall |
| Clausen, | Griffin | McKneally |
| Don E. | Gross | McMillan |

- | | | |
|----------------|---------------|----------------|
| MacGregor | Price, Ill. | Steiger, Ariz. |
| Mahon | Price, Tex. | Steiger, Wis. |
| Mailliard | Pucinski | Stephens |
| Mann | Purcell | Stratton |
| Marsh | Quie | Stubblefield |
| Martin | Quillen | Taft |
| Mathias | Rallsback | Talcott |
| May | Reid, Ill. | Taylor |
| Mayne | Rhodes | Teague, Calif. |
| Michel | Rivers | Teague, Tex. |
| Miller, Calif. | Roberts | Thompson, Ga. |
| Mills | Rogers, Fla. | Thomson, Wis. |
| Minshall | Rostenkowski | Waggonner |
| Mitze | Roth | Wampler |
| Mizell | Roudebush | Watkins |
| Mollohan | Rousselot | Watson |
| Monagan | Ruth | Watts |
| Montgomery | Sandman | Whalley |
| Morgan | Satterfield | White |
| Murphy, Ill. | Schadeberg | Whitehurst |
| Murphy, N.Y. | Scherle | Wiggins |
| Myers | Schmitz | Williams |
| Natcher | Schneebell | Wilson, Bob |
| Nelsen | Scott | Winn |
| Nichols | Sebellius | Wold |
| O'Neal, Ga. | Shriver | Wright |
| Passman | Sikes | Wyllie |
| Patman | Skubitz | Wyman |
| Felly | Slack | Yatron |
| Perkins | Smith, Calif. | Young |
| Pettis | Smith, N.Y. | Zablocki |
| Pickle | Snyder | Zion |
| Pirnie | Springer | Zwach |
| Poage | Staggers | |
| Poff | Steed | |

NAYS—143

- | | | |
|-----------------|-----------------|----------------|
| Adams | Glaimo | Olsen |
| Addabbo | Gibbons | O'Neill, Mass. |
| Anderson, | Gilbert | Ottinger |
| Calif. | Gonzalez | Patten |
| Barrett | Green, Pa. | Philbin |
| Blaggi | Griffiths | Pike |
| Blester | Gude | Preyer, N.C. |
| Bingham | Halpern | Randall |
| Blatnik | Hamilton | Rees |
| Boland | Hanley | Reid, N.Y. |
| Brademas | Hanna | Reuss |
| Brasco | Harrington | Riegler |
| Burke, Mass. | Hathaway | Robison |
| Burleson, Mo. | Hawkins | Rodino |
| Burton, Calif. | Heckler, W. Va. | Roe |
| Button | Heckler, Mass. | Rooney, N.Y. |
| Byrne, Pa. | Helstoski | Rooney, Pa. |
| Celler | Hicks | Rosenthal |
| Chisholm | Horton | Roybal |
| Clay | Howard | Ruppe |
| Cohelan | Hungate | Ryan |
| Conte | Jacobs | St Germain |
| Conyers | Johnson, Calif. | Scheuer |
| Corman | Karth | Schwengel |
| Coughlin | Kastenmeier | Smith, Iowa |
| Culver | Keith | Stafford |
| Daniels, N.J. | Koch | Stanton |
| Dellenback | Kyros | Stokes |
| Diggs | Long, Md. | Stuckey |
| Dingell | Lowenstein | Sullivan |
| Donohue | McCarthy | Symington |
| Dwyer | Macdonald, | Thompson, N.J. |
| Eckhardt | Mass. | Thieman |
| Edwards, Calif. | Madden | Tunney |
| Eilberg | Matsunaga | Udall |
| Esch | Meeds | Ullman |
| Evans, Colo. | Melcher | Van Deerlin |
| Farbstein | Mikva | Vander Jagt |
| Fascell | Miller, Ohio | Vanik |
| Fish | Minlah | Vigorito |
| Foley | Mink | Waldie |
| Ford, | Moorhead | Weicker |
| William D. | Morse | Whalen |
| Frazer | Mosher | Widnell |
| Friedel | Moss | Wolf |
| Fulton, Pa. | Nix | Wyatt |
| Fulton, Tenn. | Obey | Wyder |
| Gallfanakis | O'Hara | Yates |
| Gaydos | O'Konski | |

NOT VOTING—41

- | | | |
|----------------|---------------|---------------|
| Anderson, Ill. | Devine | Pepper |
| Andrews, | Edwards, La. | Podell |
| N. Dak. | Findley | Pollock |
| Ashley | Gettys | Powell |
| Aspinall | Hansen, Wash. | Pryor, Ark. |
| Bell, Calif. | Kirwan | Rarick |
| Broomfield | Kuykendall | Reifel |
| Brown, Calif. | Leggett | Rogers, Colo. |
| Bush | Long, La. | Saylor |
| Caffery | McDonald, | Shibley |
| Carey | Mich. | Sisk |
| Cramer | McEwen | Whitten |
| Daddario | Meskill | Wilson, |
| Dawson | Morton | Charles H. |
| Denney | Nedzi | |

So the previous question was ordered.

July 9, 1970

The Clerk announced the following pairs:

On this vote
Mr. Long of Louisiana for, with Mr. Carey against.
Mr. Gettys for, with Mr. Brown of California against.
Mr. McEwen for, with Mr. Nedzi against.
Mr. Rarick for, with Mr. Leggett against.
Mr. Whitten for, with Mr. Dawson against.
Mr. Caffery for, with Mr. Powell against.
Mr. Reifel for, with Mr. Shipley against.
Mr. Morton for, with Mr. Podell against.
Mr. Kuykendall for, with Mr. Ashley against.
Mr. Devine for, with Mrs. Hansen of Washington against.
Mr. Denney for, with Mr. Kirwan against.
Mr. Cramer for with Charles H. Wilson against.
Mr. Bush for, with Mr. Pepper against.

Until further notice:

Mr. Aspinall with Mr. Pollock.
Mr. Rogers of Colorado with Mr. Andrews of North Dakota.
Mr. Sisk with Mr. Bell of California.
Mr. Pryor of Arkansas with Mr. Findley.
Mr. Edwards of Louisiana with Mr. McDonald of Michigan.
Mr. Daddario with Mr. Meskill.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. MORGAN. Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. RIEGLE) who has announced that he will propose a motion to instruct the conferees.

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

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

MOTION OFFERED BY MR. RIEGLE

Mr. RIEGLE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RIEGLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 15628 be instructed to agree to that part of Senate amendment numbered 3 designated as section 7.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HAYS. Mr. Speaker, in the event a motion to table the motion offered by the gentleman from Michigan (Mr. RIEGLE) is not made, and there is an hour's debate on the motion, who will control the time?

The SPEAKER. The Chair will state that the gentleman from Michigan (Mr. RIEGLE) will control the time.

MOTION TO TABLE OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I offer a motion to table.

The Clerk read as follows:

Mr. HAYS moves to lay on the table the motion offered by Mr. RIEGLE.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) to lay on the table the motion offered by the gentleman from Michigan (Mr. RIEGLE).

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HAYS. Mr. Speaker, I have been prevailed upon to attempt to withdraw my motion on the understanding that there will be some equal division of time, and if it is not too late I would ask unanimous consent to withdraw my motion to lay on the table the motion offered by the gentleman from Michigan (Mr. RIEGLE).

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

Mr. SCHERLE. Mr. Speaker, I object.

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The question was taken; and there were—yeas 237, nays 153, answered "present" 1, not voting 40, as follows:

[Roll No. 208]

YEAS—237

Abbutt	Duncan	MacGregor
Abernethy	Edmondson	Mahon
Adair	Edwards, Ala.	Mailliard
Albert	Erlenborn	Mann
Anderson, Tenn.	Eshleman	Marsh
Andrews, Ala.	Evins, Tenn.	Martin
Arends	Fallon	Mathias
Ashbrook	Feighan	May
Ayres	Fisher	Mayne
Baring	Flood	Michel
Beall, Md.	Flowers	Miller, Calif.
Belcher	Flynt	Mills
Bennett	Ford, Gerald R.	Minsbarr
Berry	Foreman	Mize
Betts	Fountain	Mizell
Bevill	Frelinghuysen	Mollohan
Blackburn	Frey	Montgomery
Blanton	Fuqua	Morgan
Boggs	Goldwater	Murphy, Ill.
Boiling	Goodling	Murphy, N.Y.
Bow	Gray	Myers
Bray	Green, Oreg.	Natcher
Brinkley	Griffin	Nelsen
Brook	Gross	Nichols
Brooks	Grover	O'Neal, Ga.
Brotzman	Hagan	Passman
Brown, Mich.	Haley	Fatman
Brown, Ohio	Hall	Pelly
Broyhill, N.C.	Hammer-	Perkins
Broyhill, Va.	schmidt	Pettis
Buchanan	Hansen, Idaho	Pickle
Burke, Fla.	Harsha	Pike
Burleson, Tex.	Harvey	Pirnie
Burton, Utah	Hastings	Poage
Byrnes, Wis.	Hays	Poff
Cabell	Hébert	Price, Tex.
Camp	Henderson	Purcell
Carter	Hogan	Quie
Casey	Hosmer	Quillen
Cederberg	Hull	Railsback
Chamberlain	Hunt	Randall
Chappell	Hutchinson	Reid, Ill.
Clancy	Ichord	Rhodes
Clark	Jarman	Rivers
Clausen,	Johnson, Pa.	Roberts
Don H.	Jonas	Rogers, Fla.
Clawson, Del.	Jones, Ala.	Roth
Cleveland	Jones, N.C.	Roudebush
Collier	Jones, Tenn.	Rousselot
Collins	Kazen	Ruth
Colmer	Kee	Sandman
Conable	King	Satterfield
Corbett	Kleppe	Schadeberg
Cowger	Kluczynski	Scherle
Crane	Kuykendall	Schmitz
Cunningham	Kyl	Scott
Daniel, Va.	Landgrebe	Sebelius
Davis, Ga.	Landrum	Shriver
Davis, Wis.	Langen	Sikes
de la Garza	Latta	Skubitz
Delaney	Lennon	Slack
Dennis	Lloyd	Smith, Calif.
Dent	Lujan	Snyder
Derwinski	Lukens	Springer
Dickinson	McClure	Staggers
Dorn	McCulloch	Steed
Dowdy	McClory	Steiger, Ariz.
Downing	McFall	Steiger, Wis.
Dulski	McKneally	Stevens
	McMillan	Stratton

Stubblefield	Wampler	Winn
Stuckey	Watkins	Wold
Taft	Watson	Wright
Talcott	Watts	Wylder
Taylor	Whalley	Wylie
Teague, Calif.	White	Wyman
Thompson, Ga.	Whitehurst	Young
Thomson, Wis.	Wiggins	Zablocki
Vander Jagt	Williams	Zion
Waggonner	Wilson, Bob	Zwach

NAYS—153

Adams	Garmatz	O'Konski
Addabbo	Gaydos	Olson
Alexander	Giaino	O'Neill, Mass.
Anderson, Calif.	Gibbons	Ottlinger
Annunzio	Gilbert	Patten
Ashley	Gonzalez	Philbin
Barrett	Green, Pa.	Preyer, N.C.
Biaggi	Griffiths	Price, Ill.
Blester	Gude	Pucinski
Bingham	Haepern	Rees
Blatnik	Hamilton	Reid, N.Y.
Boland	Hanley	Reuss
Brademas	Hanna	Riegle
Brasco	Harrington	Robison
Burke, Mass.	Hathaway	Rodino
Burlison, Mo.	Hawkins	Roe
Burton, Calif.	Hechler, W. Va.	Rooney, N.Y.
Button	Heckler, Mass.	Rooney, Pa.
Byrne, Pa.	Helstoski	Rosenthal
Celler	Hicks	Rostenkowski
Chisholm	Horton	Roybal
Clay	Howard	Ruppe
Cohelan	Hungate	Ryan
Conte	Jacobs	St Germain
Conyers	Johnson, Calif.	Scheuer
Corman	Karth	Schneebell
Coughlin	Kastenmeier	Schwengel
Culver	Keith	Smith, Iowa
Daddario	Koch	Smith, N.Y.
Daniels, N.J.	Kyros	Stafford
Dellenback	Leng, Md.	Stanton
Diggs	Lowenstein	Stokes
D'ngell	McCarthy	Sullivan
Dcnohue	McCloskey	Symington
Dwyer	McDade	Thompson, N.J.
Eckhardt	Macdonald,	Tiernan
Edwards, Calif.	Mass.	Tunney
Ellberg	Madden	Udall
Esch	Matsunaga	Ullman
Evans, Colo.	Meeds	Van Deerlin
Farbstein	Melcher	Vanik
Fascell	Mikva	Vigorito
Fish	Miller, Ohio	Waldie
Foley	Minish	Weicker
Ford,	Mink	Whalen
William D.	Monagan	Widnall
Fraser	Moorhead	Wolf
Friedel	Morse	Wyatt
Fulton, Pa.	Mosher	Yates
Fulton, Tenn.	Moss	Yatron
Gallifanakis	Nix	
Gallagher	Obey	
	O'Hara	

ANSWERED "PRESENT"—1

Gubser

NOT VOTING—40

Anderson, Ill.	Findley	Pollock
Andrews,	Gettys	Powell
N Dak.	Hansen, Wash.	Pryor, Ark.
Aspinall	Hohlfeld	Rarick
Bell, Calif.	Kirwan	Reifel
Broomfield	Leggett	Rogers, Colo.
Brown, Calif.	Long, La.	Saylor
Bush	McDonald,	Shipley
Caffery	Mich.	Sisk
Carey	McEwen	Teague, Tex.
Cramer	Meskill	Whitten
Dawson	Morton	Wilson,
Denney	Nedzi	Charles H.
Devine	Pepper	
Edwards, La.	Podell	

So the motion to table was agreed to. The Clerk announced the following pairs:

On this vote:
Mr. Reifel for, with Mr. Gubser against.
Mr. Caffery for, with Mr. Aspinall against.
Mr. Gettys for, with Mr. Shipley against.
Mr. Rarick for, with Mr. Pepper against.
Mr. Long of Louisiana for, with Mr. Charles H. Wilson against.
Mr. McEwen for, with Mr. Nedzi against.
Mr. Whitten for, with Mr. Podell against.
Mr. Devine for, with Mr. Dawson against.
Mr. Denney for, with Mr. Carey against.
Mr. Morton for, with Mr. Brown of California against.

Mr. Andrews of North Dakota for, with Mr. Leggett against.

Mr. Bell of California for, with Mr. Powell against.

Mr. Bush for, with Mr. Kirwan against.
Mr. Cramer for, with Mr. Saylor against.
Mr. Pollock for, with Mrs. Hansen of Washington against.

Until further notice:

Mr. Hotifield with Mr. Broomfield.
Mr. Sisk with Mr. Anderson of Illinois.
Mr. Pryor of Arkansas with Mr. Findley.
Mr. Edwards of Louisiana with Mr. Rogers of Colorado.
Mr. Teague of Texas with Mr. McDonald of Michigan.

Mr. GUBSER. Mr. Speaker, I have a live pair with the gentleman from South Dakota (Mr. REIFEL). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, ADAIR, and MAILLIARD.

APPOINTMENT OF CONFEREES ON S. 1076, YOUTH CONSERVATION CORPS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes, with a House amendment thereto, insist upon the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, DANIELS of New Jersey, O'HARA, HATHAWAY, WILLIAM D. FORD, MEEDS, BURTON of California, Mrs. GREEN of Oregon, and Messrs. HAWKINS, GAYDOS, SCHERLE, QUIE, ESCH, STEIGER of Wisconsin, ERLBORN, ESHLEMAN, and COLLINS.

GENERAL LEAVE TO EXTEND

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD upon the military sales bill.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 17070, POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, with a Senate amendment thereto, disagree to the Senate

amendment, and request a conference with the Senate thereon.

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

Mr. HENDERSON. Mr. Speaker, reserving the right to object—and I do not intend to object to the request of the gentleman from New York (Mr. DULSKI), the chairman of our committee—I take this time to advise the House that I shall seek recognition to make a motion to instruct the conferees in respect to the language in the House-passed bill guaranteeing to postal employees their right to join or refrain from joining labor unions. We had extensive debate on this issue when H.R. 17070 was before the House on June 17, and at the conclusion of that debate, the house voted overwhelmingly, 179-95, to write into the bill the following language:

Each employee of the Postal Service has the right freely and without fear of penalty or reprisal, to form, join or assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

Despite obvious attempts to create a smokescreen and to suggest that the original bill does not change existing law regarding compulsory unionism, I want to make the point once again that under existing law, including Executive orders which have the force and effect of law, there is no way a union shop can come into existence in the Federal service. Under the provisions of the Senate version of H.R. 17070, the Postal Authority and the unions could negotiate a union shop, or a union shop could be brought into existence through binding arbitration. This would mean that a long-time, efficient career employee could be faced with the choice of joining a union or losing his job. Let me make it clear that we are not arguing here for a National right to work law. We are not arguing for an amendment to the Taft-Hartley Act. We are simply saying that every American citizen should have the right to work for his Government without being compelled to join a labor union. I do not believe that the majority of the American people want us to enact a law which can result in making competent, efficient postal employees choose between joining a union against their will or losing their jobs.

Mr. Speaker, this position has been editorially supported by leading newspapers throughout the Nation including the Washington Evening Star, the New York Times, the New York Daily News, the Cincinnati Enquirer, the Lancaster, Pa., New Era, the Macon, Ga., News, the Phoenix Republic, the Chicago Daily News, the Dallas Times-Herald, the Newark Evening News, the St. Louis Post-Dispatch, the Philadelphia Bulletin, the St. Louis Globe-Democrat, the Baltimore Sun, the Worcester, Mass., Telegram, the Goldsboro, N.C., News-Argus, the Chicago Tribune, and many, many others. I urge my colleagues to protect the traditional freedom of all Federal employees to join or refrain from joining a labor organization.

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

Mr. HENDERSON. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. And the vote by which the House expressed its support for the freedom of choice amendment was taken only 3 weeks ago, and by a margin of approximately 2 to 1 the amendment of the gentleman from North Carolina was adopted; is that true?

Mr. HENDERSON. The exact vote was 179 to 95.

Mr. GROSS. I thank the gentleman. Mr. HENDERSON. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, if I may have the attention of the chairman of the committee, is it the intention of the chairman to move to table the motion to be offered by the gentleman from North Carolina?

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

Mr. DERWINSKI. Yes, I yield to the gentleman from New York.

Mr. DULSKI. Definitely.

Mr. DERWINSKI. Mr. Speaker, may I first commend the chairman for being consistent in his principles and consistent with the position he has previously taken.

Recognizing the parliamentary complications, may I point out to the Members that we want to go to conference on postal reform and the only way we can get this right-to-work labor issue out of the way is to instruct the House conferees in such a way as to eliminate it from consideration in conference. Therefore in the interest of postal reform we should support the gentleman from North Carolina.

May I say that the postal unions are not at all upset by this development. They primarily want a pay raise. Most postal workers are union members, so this is an academic issue with them.

The Postmaster General is rather disturbed that the right-to-work issue, actually complicated postal reform. We can remove this issue once and for all by instructing the conferees and then we can proceed to write a proper postal reform bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York (Mr. DULSKI)?

There was no objection.

MOTION OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HENDERSON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 17070, be instructed to insist on the provision beginning on page 32, line 6, which reads as follows:

"(b) Each employee of the Postal Service has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."