

under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 10749. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 10750. A bill to amend the Internal Revenue Code of 1954 to increase to \$1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. ASPINALL):

H.R. 10751. A bill to establish the Pennsylvania Avenue Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. LATTA, and Mr. MAILLIARD):

H.R. 10752. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 10753. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 10754. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section; to the Committee on Agriculture.

By Mr. BLACKBURN:

H.J. Res. 873. Joint resolution amending section 5(b) of the Endangered Species Conservation Act of 1969 relating to worldwide conservation of endangered species; to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 874. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 875. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 876. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.J. Res. 877. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARMATZ:

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress with respect to the application of the cargo preference laws to military cargoes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT:

H. Res. 601. Resolution providing funds for the expenses of the Committee on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. ECKHARDT:

H. Res. 602. Resolution requesting the President to designate "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 10755. A bill for the relief of Masayasu Sadanaga; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 10756. A bill for the relief of Tommaso Prestigiacomo; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 10757. A bill for the relief of Corp. Kenneth M. Schmitz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

132. Mr. UDALL presented a petition of 811 active "duty enlisted men and women and officers at Fort Huachuca, Ariz., demanding an immediate end to U.S. intervention in Southeast Asia and stating the war is clearly not in the interests of either the Indo-Chinese or the American people, which was referred to the Committee on Foreign Affairs.

SENATE—Thursday, September 16, 1971

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O Lord our God, we pause to open our hearts and minds to Thy presence. Come to us this day to assure us we do not go alone but that we walk and work with Thee. Keep our purposes clear and our visions keen that we may face today's challenges with high resolve. Arm the people of this Nation with the sneaks of the spirit, with virtue and nobility, with high patriotism and pure religion. Grant us strength of character and purity of life to match the responsibilities of our days. May our duties, so solemn and so many, never push us from Thy presence and may we never be so harassed by many things that we miss the pull of the stars. Lead us over the highway of justice and peace to that kingdom whose builder and maker Thou art. In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of

Wednesday, September 15, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

U.N. SESSION REPRESENTATIVES

The second assistant legislative clerk proceeded to read sundry nominations of the U.N. session representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

REPEAL OF THE EMERGENCY DETENTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 358, H.R. 234, and that it be laid down and made the pending business.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

H.R. 234, to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that excerpts from the report on S. 592, the Senate companion bill to H.R. 234, be printed in the RECORD, together with a statement concerning the minor differences between the House and Senate bills.

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

REPEALS THE EMERGENCY DETENTION ACT

The purpose of this bill is to repeal title II of the Internal Security Act of 1950. The title alone is commonly cited as the "Emergency Detention Act of 1950." The bill S. 592 will repeal all of the substantive provisions of the Emergency Detention Act of 1950, without disturbing the congressional findings of fact with respect to the nature of the Communist Party which are a part of the title. The bill S. 592, as introduced is identical to the amended version of S. 1872, as favorably reported by this committee December 22, 1969 (Senate Report 91-632) and passed by the Senate the same day. The committee reaffirms the text of that report, as follows:

HISTORY

Title II of the Internal Security Act was enacted as part of a floor amendment, after previous motions to substitute it for title I, and to attach it to title I as an amendment, had failed to secure Senate approval.

As separate title of the Internal Security Act, the Emergency Detention Act has been an anomaly from the beginning, since it was opposed, during the earlier stages of the legislative process, by virtually all of the sponsors of title I (then known as the McCarran-Walter Act) and sponsored by virtually all of those who were opposed to the McCarran-Walter Act.

Although the late Senator Pat McCarran of Nevada, floor manager of the Internal Security Act and author of the legislation which became title I of that act, rewrote the Emergency Detention Act on the floor of the Senate, in what he described to the Senate as an attempt "to put due process in to it," he warned the Senate at the time that even in its rewritten form, the title still raised serious constitutional questions.

SUBCOMMITTEE RECOMMENDS REPEAL

The Internal Security Subcommittee has twice recommended repeal of title II of the Internal Security Act. The first time was in the subcommittee's report on the bill S. 2988, in the 90th Congress. The second time was in the subcommittee's report on the bill S. 12, the proposed Internal Security Act of 1969, reported to the full Judiciary Committee in January of this year.

AUTHOR'S EXPLANATION

Senator Inouye, author of the bill S. 1872, has explained the purpose and background of his bill very well in a letter addressed to the chairman of the committee. The text of this letter is as follows:

U.S. SENATE,
Washington, D.C., December 4, 1969.
HON. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Early this year I introduced, with 25 other Senators, S. 1872, a bill to repeal title II, the emergency detention provision of the Internal Security Act of 1950. I understand that you have received

a letter dated December 2 from Deputy Attorney General Richard G. Kleindienst speaking for the Justice Department supporting S. 1872. Since this bill's introduction, I have received, as I am certain my colleagues have, many resolutions, petitions, and letters urging this law's speedy repeal. I, therefore, hope that your committee will be able to quickly and favorably report this measure to the Senate.

Title II of the Internal Security Act gives the President the power to proclaim an "internal security emergency" in the event of any of the following: (1) invasion of the territory of the United States or its possessions; (2) declaration of war by Congress; (3) insurrection within the United States in aid of a foreign enemy. Following the declaration of an internal security emergency, title II gives the President or his agent the power to detain persons "if there is reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." Following the person's arrest, title II details the procedures for the continued detention of a person. Generally, this course of action is at odds with normal judicial procedure and in fact the procedures detailed in the act would, I believe, have the effect of changing the presumption of innocence to a presumption of guilt for the accused.

As you may remember, the Internal Security Act of 1950 became law over President Truman's veto. In referring to the great majority of the provisions of this act, President Truman declared that they "would strike blows at our own liberties." Title II, I believe, violates a number of our established freedoms and constitutes a threat to our constitutional rights.

I introduced this measure when I became aware of the widespread rumors circulated throughout our Nation that the Federal Government was readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated but are believed in many urban ghettos as well as by those dissidents who are at odds with many of the policies of the United States. Fear of internment, I believe, lurks for many of those who are by birth or choice not "in tune" or "in line" with the rest of the country. There is a current mood of tension among some citizens in our land which does not permit these rumors of concentration camps to be laid to rest. These feelings of malaise and discontent have deeply permeated our society and have created a climate whereby such rumors fall on receptive ears. For some, additional credence was given to the possible use of concentration camps by a House Un-American Activities report of May 1968, which contained a recommendation for the possible use of these detention camps for certain black nationalists and Communists.

I believe that the emergency provision of the Internal Security Act of 1950 stands as a barrier to trust between some of our citizens and the Government. As President Truman stated in his veto message "it is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions . . ."

Many would respond to these rumors of concentration camps with the refrain "This couldn't happen in America." However, in times of stress and crisis, American justice has not always withstood these pressures. I am naturally reminded that during World War II, 109,650 Americans of Japanese ancestry were arrested, their property confiscated and were detained in various "relocation camps" for most of World War II.

For these reasons I hope your committee will immediately and favorably consider S. 1872, my legislation to repeal the emergency

detention provision of the Internal Security Act of 1950. The speedy repeal of this statute would forever put to rest the rumors and allay the fears of some of our citizens. As the Justice Department stated in announcing its support for S. 1872, the gains to be made from repeal of title II will outweigh " . . . any potential advantage which the act may provide in a time of internal security emergency."

Some have defended the existence of this statute by stating that no President would use this provision. However, if it is not to be used, it should be repealed. It is the responsibility of the Congress to repeal this statute and I believe we should do so immediately to forever allay the fears and suspicions of many, and to remove this threat to our liberty and freedoms.

Sincerely,

DANIEL K. INOUE,
U.S. Senator.

RE DIFFERENCES BETWEEN S. 592, TO REPEAL TITLE II, AND H.R. 234

H.R. 234 contains a provision which is not contained in S. 592. It reads as follows: "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

The purpose of amendment is that no detention camps can be authorized without the acquiescence of Congress. The Legislative history on House floor states that this provision is not intended to eliminate any detention practices now authorized by statute or judicial practice or procedure. Representative Poff on House floor (page 31541—September 13) stated that amendment was not intended to alter stop and frisk procedures by law enforcement officials, searches by border patrolmen and customs officials, detention of suspects for identification, detention for those necessary to maintain order in courtroom, judicial authority to revoke bail or parole.

It would appear dubious that this clause would be interpreted by the courts as limiting the Executive's inherent powers to act during an emergency in wartime.

II. H.R. 234 also repeals in toto Title II. However, S. 592, while repealing Title II, retains the preamble for Congressional findings.

The findings retained by your bill are also found in Title I and are, therefore, not necessary. House debate on this issue found on page 31765, September 14th.

III. H.R. 234 contains also two technical amendments that deletes convictions under Title II from those offenses which permit the denial of Federal retirement benefits and veterans benefits.

Mr. INOUE. Mr. President, in the wake of House passage of a bill to repeal Title II of the so-called emergency detention provision of the Internal Security Act of 1950, I am most gratified by the Senate's speedy consideration of a similar legislation I introduced with 24 other Senators.

The emergency detention provision, title II of the Internal Security Act of 1950, authorizes the establishment of detention camps during an "internal security emergency." Under this act, the President has the power, following the declaration of an "internal security emergency", to detain persons "if there is reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." The act also provides for the continued detention of a person under procedures which can be characterized as being at odds with our established judicial procedures.

The repeal of the Emergency Detention Act is long overdue. As long as it remains on our books, it stands as a definite threat to every American's freedoms and constitutional rights. In addition, the continued existence of this law has been used by some to fuel rumors that members of our society who had unpopular views and beliefs could be detained under the provisions of the Emergency Act. I believe the Emergency Detention Act stands as a barrier to trust between some people and our Government. I do not believe that I need to reiterate any further the reasons this law should be repealed, for the Senate Judiciary Committee's report clearly sets them forth.

As you are aware the Internal Security Act of 1950 became law over President Truman's veto. While efforts to have this statute declared unconstitutional have not been successful, it should be emphasized that the courts have not had an opportunity to render a decision on the merits of this law. The Justice Department supports the repeal of the Emergency Detention Act, the Senate Judiciary Committee reported repeal bills in 1969 and 1971. The Senate in 1969 unanimously passed a measure I introduced to repeal the Emergency Detention Act but it did not receive consideration by the House of Representatives in the 91st Congress. The House has now acted, and on September 14 passed by a vote of 356 to 49 a bill which repeals the "emergency detention provision" of the Internal Security Act of 1950. The House measure differs from my bill in that it contains a clause which states that—

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

I believe that this provision is a valuable addition to my bill and hope that the Senate will adopt it. I would like to emphasize that this House provision should be viewed as in no way granting authority to eliminate any detention practices now authorized by statute, judicial practice or procedure, such as stop and frisk procedures of law enforcement officials, searches by border patrolmen and customs officials, detention of suspects for identification, judicial authorization to revoke bails or parole, or to detain those so as to maintain order in a courtroom.

The repeal of the emergency detention provision of the Internal Security Act of 1950 is long overdue. While its provisions have never been utilized by the Federal Government, its continued existence is both unnecessary and offensive to many Americans. The passage of this legislation would remove this ill-advised statute.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 298, S. 592 be indefinitely postponed.

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

Mr. MANSFIELD. Mr. President, may I say, in the 3 minutes allotted to me at this time, that I am delighted that H.R. 234, an act to amend title 18 of the United States Code, to prohibit the establishment of detention camps and for other purposes, has passed this body at this time.

I think its repeal was long overdue. I hope that in the future we will profit from the mistakes we made in the past, and not take on some of the onerous and dangerous responsibilities which we had in years gone by.

Mr. SCOTT. Mr. President, in this country we often do good things by slow steps. In abolishing the right to establish detention camps we have done a good thing. It is overdue. Perhaps the worst internal crime ever committed was an order by the President of the United States internment loyal Japanese-Americans under circumstances where any reflection unimpaired by the wild emotions of the moment would have decreed that we were guilty of the grossest kind of cruelty and injustice.

I remember the period. I was attacked myself for insisting that a house under my jurisdiction in Brooklyn be made available to Japanese-Americans being reassigned from the west coast. Many advocates of liberalism and libertarianism in that area of the country undertook to prevent these Japanese-Americans from occupying that house. I made the decision, and they occupied it.

Having said that, and having stood up against the sentiment of the United States at that time, I have a right to say something else: I am getting tired of people who, on going abroad, say that they sympathize with the enemy, that they cannot see the United States' point of view. I am also getting tired of people who instantly align themselves in this country on the side of the criminal, the murderer, and the rapist and say that this proves there is something wrong with American society.

Of course there is. Society is flawed. Society has many faults. But those who rise, almost automatically, with Pavlovian fervor to condemn every attempt to restore an orderly society, should themselves be condemned, and I condemn them.

Mr. MANSFIELD. Mr. President, relative to the bill just passed, and referring to the personal experience of the distinguished minority leader, may I say that before I came to Congress, while on the faculty of the University of Montana, I was a member of a three-man panel at Fort Missoula which, at that time, incarcerated in a gentle way something on the order of 2,000 Japanese-Americans, mostly from California. In all the hearings held at Fort Missoula at that time we were not able to uncover one instance of subversion or one instance of treason.

I am happy, therefore, that, at this late date, the efforts of the Hawaiian delegation primarily, especially in this Chamber, Senators INOUYE and FONG,

and in the other Chamber, Representatives MINK and MATSUNAGA, have been vindicated.

I believe that this will in a way help repay men like Senator INOUYE, who lost an arm in the Second World War, and Representative MATSUNAGA, who was wounded several times in the Second World War, for the sacrifices which they made for their country.

I am glad, because this is the primary instance so far as this matter is concerned, that this action has been taken by the Senate today.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Indiana (Mr. BAYH) is now recognized for 15 minutes.

GROWING CONCERN OVER U.S. POLICY TOWARD ISRAEL

Mr. BAYH. Mr. President, it has now been 2 months since I and several of my colleagues rose in this Chamber to express our growing concern about U.S. policy toward Israel. At that time, I pointed out that June had been the first month since the Johnson administration agreed to sell Phantom jets to Israel in which none had been delivered. I noted that neither progress toward peace nor the level of Soviet arms deliveries to the Arab States justified such a cut off. In fact there had been no significant progress in the preceding weeks either toward an interim agreement or toward a permanent settlement. Furthermore, the press was persistently reporting increases—in Soviet arms deliveries in the Middle East.

I urged the administration not to try to force Israel into accepting unacceptable terms as the price of renewed Phantom deliveries. I warned that such tactics—whether born of desperation or misguided sense of real politik—could be counterproductive. Not only might they cause a stiffening of Israeli attitude toward the United States, but they might also reawaken Arab hopes of avoiding serious negotiations.

In the days immediately following those expressions of concern, a series of reports appeared in the news media which had the effect of allaying public and congressional concern. Assistant Secretary Sisco's trip to Israel was formally announced. It was widely reported—and not denied by the White House or the State Department—that Mr. Sisco's visit to Jerusalem could be expected to result in some new arrangement regarding Phantom. It was even reported that a procedure for ongoing deliveries would be instituted to avoid the periodic irritations which occurred each time one agreement on Phantoms lapsed and a new one had to be negotiated.

Thus, the impression was purposefully created that the Phantom delivery question was no longer an issue. As with Vietnam and other issues, foreign and domestic, the Nixon administration sought to divert public and congressional attention and defuse criticism of its policies not by dealing with the problem and