

U.S. CONGRESS



UNITED STATES

OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 92<sup>d</sup> CONGRESS  
FIRST SESSION

VOLUME 117—PART 13

MAY 24, 1971, TO JUNE 2, 1971

(PAGES 16523 TO 17734)

fly, competitive prototype developments are given lip service but seldom used, and the few fixed price contracts remaining have been converted to cost reimbursement.

Which leaves us somewhat confused. Under the circumstances, it is comforting to know that we are not alone, as an editorial in the May 17 edition of the *Armed Forces Journal* attests. I ask unanimous consent that this editorial be printed in the *RECORD*.

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

MR. PACKARD YOU HAVE GOT EVERYONE  
CONFUSED

(By Benjamin F. Schemmer)

Just weeks ago you were writing memos saying we'd ought to give Lockheed and Boeing Seattle some money to prototype simple, lightweight fighters. Northrop is building one for you: the International Fighter Aircraft, if you'll recall the competition that the Air Force troops thought LTV won—which just made us wonder why you didn't suggest some money be given to LTV as well. Since someone had told us Lockheed's IFA proposal was "unresponsive."

But we thought you had a great idea: fly before we know what we need. Competitive prototypes. Austere programs that wouldn't bog down in complex contracts, detailed specifications and gobbledegook. The kind of stimulus to competition that Frank Gard Jameson urged last year ("A New Plan for Weapons Acquisition," *JOURNAL* 25 July). But then you changed your mind, or clarified your guidance, and decided to fund just Lockheed's prototype fighter, the X-27.

Now, you've confused everyone again. You gave the Heavy Lift Helicopter award to one contractor. Did you read the Request for Quotation? "The government plans to award two or more cost-type contracts as a result of this solicitation . . ." And you had the Program Manager tell everyone this: "I emphasize that the effort to be accomplished is specifically directed toward advancing the technology of components and NOT the development of total heavy lift helicopter system . . ." (Your emphasis, not ours).

You changed the ground rules for source selection—without telling the contractors. And you've launched another one horse race on a program with more than a few technical risks and a billion or so dollars at stake.

And you've got everyone so damned confused, we begin to wonder . . .

### THREE MISTAKEN ASSUMPTIONS OF CURRENT U.S. MIDEAST POLI- CIES

Mr. RIBICOFF. Mr. President, the distinguished senior Senator from Minnesota recently addressed a gathering in Minneapolis concerning our Nation's present policies in the Middle East.

His remarks display an unusually keen awareness of the self-defeating nature of the tactics now being employed by our own Government to reach a settlement between Israel and Egypt. Senator MONDALE will have performed a great service if his dispassionate analysis of the implications of Secretary Rogers' recent trip is heeded.

Senator MONDALE eloquently describes the dilemma posed to American interests by downplaying our interest in Israel's security. As the Senator puts it:

To disguise our ultimate interest in Israel's security is to endanger that interest by fostering miscalculation among all the parties.

Senator MONDALE has pinpointed three highly dubious assumptions upon which the State Department's present policies rest:

That our immediate objective should be a definite "settlement" managed from the outside.

That the U.S. can and should act as middleman in negotiations.

And finally—

The forecast of doom if we don't sponsor instant negotiations and a settlement.

I agree fully with Senator MONDALE's assertions that the only chance for peace is Arab acceptance of Israel. And I wish to underscore his observation that the Arabs will never face up to that acceptance so long as outsiders hold out the prospect of forcing Israeli concessions bit by bit.

At a time when Israeli doubts about U.S. intentions and vague assurances are so strong, Secretary Rogers' calculated snubs to Israeli sensitivities during his visit there could only maximize their worst suspicions. While I certainly do not question the Secretary of State's desire for peace in the Middle East, I must question the way he is going about finding it.

I commend Senator MONDALE's perceptive speech to all my colleagues who share a desire for a lasting peace in the Middle East.

Mr. President, I ask unanimous consent that the text of Senator MONDALE's speech be printed at this point in the *RECORD*.

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

#### SPEECH BY SENATOR MONDALE

Diplomacy, we are told, is often the art of delicate understatement—even in the face of catastrophe.

The Captain of the *Titanic* was reportedly being diplomatic, for example, as his great ship struck an iceberg and was sinking in the North Atlantic.

Learning there were not enough lifeboats for all passengers and that her husband would be left behind, a sobbing woman cried out to the Captain, "How can this happen . . . this ship was supposed to be indestructible."

"Madam," the Captain coolly replied, "that appears to have been an unrealistic assumption."

As for both diplomacy and sinking ships, I want to talk to you tonight about some "unrealistic assumptions" behind this country's policy in the middle East.

The columnists tell us we are now at another turning in the baffling and volatile part of the world. The Secretary of State has flown 18,000 miles, bargained with Arab and Israeli, and returned with vague hints of some agreement to re-open the Suez Canal.

By now, there is something tiresome in these clichés of crisis, the expectant shuttling of officials, the intricacy of formulas. The diplomatic graveyard in the Middle East is strewn with turning points, climatic moments and the pretensions of governments.

But if the diplomatic game seems mundane, the reality of the problem is not.

We are dealing with the hopes and fears and passions of over 90 million people.

Their conflict traces a bloody history, all the more venomous because it's within living memory. Divisions of culture and re-

ligion are inflamed on both sides by charges of genocide. Fierce nationalism pits Arab against Arab as well as against Israel.

The price is an appalling waste of precious resources.

Arabs and Israelis, people with rich traditions of learning and compassion, spend together twice as much on weapons as on schooling for their children, and five times what they invest in health care.

Four of the Arab nations have per capita incomes of less than \$1,000, yet they spend more than 10% of their Gross National Product on arms.

And over all the hate and waste is the pervasive danger of a clash between the great powers.

At stake is the survival of the region . . . and perhaps the peace of the whole world. That is why—for all the claims and formulas—our policy in the Middle East is deadly serious business. That is why we have to examine the basic assumptions that sent Secretary Rogers on this trip and other diplomatic excursions.

For I am afraid that he carried with him—over every one of those 18,000 miles—dangerous misconceptions about the Middle East and the role of the United States in bringing peace to the area.

It seems to me the principal misconception has been a chronic flaw in our policy since the beginning of the Arab-Israeli conflict.

For over two decades, we have been stuck in a dilemma of our own making.

On one hand, extraordinary factors of history and morality have given us an abiding stake in Israel's security. Five Presidents—if not always their Secretaries of State—have understood that behind the whole elaborate mess was a simple fact: we could not let Israel go under.

On the other hand—in some murky mixture of oil politics, fear of "losing" the Arabs (who were hardly "ours" to begin with), and sheer bureaucratic momentum—our diplomacy has strained mightily to disguise to everybody that irreducible interest in Israel.

It still does.

Our dilemma is that we cannot have it both ways. To disguise our ultimate interest in Israel's security is to endanger that interest by fostering miscalculations among all the parties.

An Israel unable to rely on our support, Arabs emboldened by what seems to them our equivocation, Russians tempted by our apparent irresolution—none will make the hard decisions to build a peace in everyone's interest.

Our present course runs into the logical dead-end of that dilemma—a confrontation with Israel over a "settlement."

Never mind that a meaningful settlement is probably impossible to achieve by pressuring Israel—or, even if proclaimed, that it could still damage our long-range interests.

The current pre-occupation, for instance, is the opening of the Suez Canal. We are leaning hard on the Israelis to extract the necessary concessions from them. And the immediate beneficiary will be the naval power of the Soviet Union. And an open canal, once more an important link for world commerce, would be one more hostage to Soviet diplomacy. But we seem intent on a deal—even to the point of paying to dredge the Canal ourselves. (I wish we were as anxious to clear the pollution from our own lakes and rivers.)

Not that the Nixon Administration has a corner on this sort of folly.

We should not forget—the Israelis certainly haven't—that Israel gave up the gains of the 1956 war for an all too vague formulation of support by the Eisenhower Administration . . . a promise shamefully sidestepped when the going got tough again with Nasser and the guerrillas.

When Nasser closed the Straits of Tiran in 1967, the studied hesitation of the John-

son Administration may well have confused both sides to the point of hastening hostilities rather than heading them off.

We stood by in 1967 while the UN peace force was pulled out summarily on Egypt's order. As Arab rhetoric became more inflammatory and the noose tightened on Israel's sea outlet through the Gulf of Aquaba, the U.S. leisurely debated schemes for sending in neutral flagships to "test" Arab intentions.

And when Abba Eban came to Washington that fateful spring—expecting us to produce on a decade of promises—he got embarrassed evasion and patronizing preachments on restraint.

It was not surprising that the Generals prevailed over the diplomats in Tel Aviv. Our equivocation left Israel almost no choice but to strike for her life.

That pattern of evasion and preaching has been repeated again and again by this Administration.

We drew the Israelis into the present cease-fire last fall on the condition that neither side would seize military advantage from the truce.

Then, as the Soviets stole a major tactical march by moving up their missiles under shelter of the agreement, we first denied . . . then said we were checking . . . then said it was true, we knew it all along, and it was a bad thing. The missiles are still there, but I wonder about our credibility with the Israeli Government—let alone what the Arabs and Soviets think they can get away with.

Now, Secretary Rogers has reportedly had a quarrelsome session with Mrs. Meir to pressure her on opening Suez.

According to the *New York Times*, the Arabs are naturally pleased. Last Sunday's *Times* reported:

"With the U.S. now actively involved in the negotiating process and its big power prestige on the line, the Egyptian leadership seems confident that the focus of any American pressure . . . will be on Israel, particularly in regard to a first-stage Israeli pullback and a re-opening of the Suez Canal."

The mistakes have been shared amply, then, by both parties. They have been especially magnified, however, by the peculiar bureaucratic aberrations of the Nixon Administration.

With the White House staff openly dominating policy on the major issues of Vietnam or arms control, the State Department has tried to save its bureaucratic face by zealously trying to redraw the map of the Middle East. If the process has been therapeutic for morale, the cost has been high—an often heedless pushing for settlement for settlements' sake, policy more by adrenalin than by analysis.

But whatever the combination of misperception and mismanagement, U.S. policy has come to rest on three highly dubious assumptions.

Each is clung to with the same reverence and bravado as the "unsinkability" of the *Titanic*. And each leaves us short of lifeboats.

The first of these assumptions is that our immediate objective should be a definitive "settlement" managed from the outside. We reason that since the parties are too greedy to get together themselves, someone should do the job for them.

Yet—much as we all want peace—realistic planning, even with the current cease-fire, must begin with the high probability of some kind of continuing state of conflict in the Middle East over the next 3-5 years. Even with some kind of political settlement now, there would probably be prolonged tension and more shooting.

And putting first things first, our overriding objective should be to avoid direct U.S. involvement in those likely hostilities.

Talking about a "settlement" in this context obscures the basic issue: how to cope

with the absence of a settlement, whether it's renewed war or an imperfect truce.

Moreover, the historical evidence—from the partition of Palestine to the Straits of Tiran—argues clearly that the two sides are basically unaffected by outside efforts at mediation.

The most recent experience, in fact, is that matters can get much worse precisely when the diplomatic traffic is heaviest. Witness the hi-jacking crisis, the Jordanian civil war and the unchallenged advance of Soviet missiles amid all the diplomatic maneuvering of last summer and fall.

As for outside management, I believe external powers *can* and *do* influence events. But much more by their material investment than by their questionable ingenuity in drawing plans for somebody else's borders.

The United States can have most influence in the Middle East by clearly and firmly placing its weight behind its interests, even if we never utter a word about the details of a settlement.

We are now squandering that influence in a pretentious and almost frenzied quest for an agreement which would push Israel back to her vulnerable 1967 borders.

The *second* mistaken assumption in our policy derives from the first. It is that the U.S. can and should act as middleman in negotiations.

The argument is that the Israelis will respond to our pressure. And the Arabs need evidence that we want a fair settlement before they'll agree.

Yet as any lawyer or labor-management negotiator knows, the every task of mediation necessarily imposes an ambiguity on the mediator's relation with all parties.

The more credibly we play the mediator's *neutral* role in the Middel East, the more we defeat the very purposes of mediation.

For the Israelis, our neutral stance heightens their fears that we will abandon them. And we risk provoking a more desperate and reckless policy from them when we supposedly want just the opposite.

Israel may "need" us in the sense that U.S. budgetary and military aid is their optimum option in maintaining their defense.

But the vital Israeli decisions—those they see, such as borders, involving their existence—are *not* amenable to our leverage.

Where national survival is at stake, our influence will be effective only if we assuage fears—never if we try to exploit them.

We have authentic influence on Israel only to the degree we help remove the threat to its existence.

The hard truth is that the only chance for peace in the Mid East is Arab acceptance of Israel.

But the Arabs will never face up to that acceptance so long as outsiders hold out the prospect of forcing Israeli concessions bit by bit—which is precisely what this Administration has been holding out in its formula-mongering over the past 18 months.

As with the Israelis, our ambivalent policy only promotes Arab recklessness and intransigence.

The *third* assumption behind U.S. diplomacy—in some ways the most fashionable and foolish—has been the forecast of doom if we don't sponsor instant negotiations and a settlement. The Arabs, we are told, will grow ever more radical, and the Soviets will pick up all the chips.

Yet the evidence to the contrary is overpowering—and the attrition of the Palestinian guerrillas in the most dramatic recent example. The existence of a strong, secure Israel—able to preserve the status quo until a genuine settlement is achieved—in the long-run weakens rather than strengthens the Arab radicals who are staking everything on confrontation.

Nor can the Russians easily endure the persistent frustration of their Arab clients.

We should certainly be concerned with the Soviet influence in the Middle East. But a settlement made now in the shadow of Russian missiles will *only* enhance that influence.

Moscow's stock will go down precisely as the Arabs come to understand that Israel and the United States will *not* be moved by vacant formulas or menacing gestures.

These three assumptions have led us, then, away from the one strategic principle from which our Middle East policy must proceed—firm, unequivocal support of Israel.

The irony is that we are not choosing here—as so often in policy questions—between what is right and what works.

I personally believe we have a moral commitment to Israel. But it is equally clear that a strong Israel is also the best hope for an enduring peace in the Middle East.

And even if the standard is a more narrow measure of U.S. national interest, a strong Israel is the sole guarantee over the next decade that we will not be embroiled directly in the conflict in the area.

I should add that only a sure sense of Israeli security can keep the lid on the terrible Pandora's box of nuclear armaments in the Mid East.

None of us can predict the outline of a plausible settlement at this point.

At a minimum, however, I think we have to return to the guideline of "secure and recognized boundaries" for Israel as required in the November 1967 UN Security Council Resolution.

It also seems to me that much of the present buffer areas around Israel—to the degree that they lessen the need to mobilize and fight by an irreversible timetable—are really a *deterrent* to all-out war.

But there is no question that political realities will dictate eventually *some* kind of settlement on Israel's borders. Territory cannot indefinitely purchase safety at the expense of unrelieved Arab embitterment.

Finally, there is one absolutely essential complement to strong Israeli security—justice for the Arab refugees.

The Palestinian Arabs have been that unstable mass in the area—threatening to explode and bring the whole region down around them.

They cannot go on living in the soul-destrating squalor of the refugee camps. Another generation of Arab children cannot be left to despair and hatred.

If these injustices persist, no peace—however firm at the beginning—will last long in the Middle East.

All of us—above all, Israel, but also her friends in this country—have a responsibility to help remove that disgrace and danger.

We must make a start at that. And our government must stop trying to be something we are not.

We are *not* a disinterested mediator obliged to cool detachment toward both sides.

We *are* a vitally interested friend of Israel. And everyone must understand that if the long process of resignation and reconciliation is to begin at last.

Once we have set ourselves right, I think there is genuine hope for the Middle East.

We can help make it what its great human and material potential promise it could be.

A land not of the maimed and the orphaned, but of safe, healthy, self-respecting children.

A land not of pillboxes and national hatred, but of gifted peoples working together in gathering prosperity and peace.

#### THE EXPANSIVE USE OF HABEAS CORPUS BY THE FEDERAL DISTRICT COURTS

Mr. THURMOND. Mr. President, in the April 1971 edition of the American Bar Association Journal there appeared