

ters do not wish resettlement, but an opportunity to return to Cambodia. Yet what of those who do not wish to be resettled elsewhere? It seems to the Senator from Kansas that this new repatriation program is a logical time to let the international asylum nations process the Khmer refugees who are seeking resettlement.

All this amendment does is to express the sense of the Congress that these people should be given an opportunity to seek resettlement. The amendment does this by urging our Government to do everything possible to encourage the U.N. High Commissioner and the Kingdom of Thailand to transfer these people from the holding centers to the refugee camps so they may be processed by representatives of the international community.

This amendment in no way impugns or undermines the international resettlement effort. It does not require the United States to assume a larger proportion of the refugee resettlement burden. Indeed, in light of the suffering of the Khmer people, some may say this proposal is too mild.

The Senator from Kansas believes this to be a moderate gesture. Yet, since this problem is generally out of the hands of Congress, this proposal may be the only immediate remedy available to us. Because this bill under consideration today authorizes funds for the Immigration and Naturalization Service, it is a logical vehicle for this statement by the Congress. This amendment costs the Nation nothing, but is a humane step, meriting the acceptance of the Senate.

Mr. DeCONCINI. Mr. President, we have looked at the amendment of the Senator from Kansas and I think it is a very sound amendment. We are willing to accept it.

I yield back my time.

Mr. THURMOND. Mr. President, I have no objection to the amendment and would be happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

UP AMENDMENT NO. 1195

(Purpose: To express the sense of the Congress with respect to potential violations of the Logan Act and the prohibition on travel to Iran)

Mr. DOLE. Mr. President, I now send an amendment to the desk on which there is a time limit and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 1195.

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

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

The amendment is as follows:

On page 61, between lines 10 and 11, insert the following:

Sec. 120. (a) The Congress finds that—

(1) the Government of Iran has continued to act in a hostile manner towards the Government of the United States since it seized American diplomatic personnel on November 4, 1979;

(2) certain citizens and residents of the United States have collaborated in this hostility by condemning and insulting their own country;

(3) the Government of Iran conducted a "sham" tribunal, falsely represented as an assessment of "crimes of America", at which certain citizens and residents of the United States attended at the request and expense of Iran;

(4) the only means of preventing the dangerous and damaging actions of those American participants in such anti-American propaganda, short of a declaration of war against Iran, is the active enforcement of section 953 of title 18, United States Code (hereafter in this section referred to as "the Logan Act");

(5) the Logan Act provides that any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than \$5,000 or imprisoned not more than three years, or both; and

(6) the President by Executive order has prohibited all travel by American citizens to Iran as part of an overall policy of securing the release of the American hostages.

(b) It is the sense of the Congress that—
(1) the President should instruct the Attorney General to investigate and to prosecute to the fullest extent of the law any person who violates the Logan Act.

Mr. DOLE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. As I understand, there are 15 minutes to a side?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. The Senator from Kansas has what, about 12 minutes remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. DOLE. Mr. President, there is nothing very complicated about this amendment. This amendment, in effect, expresses the sense of the Congress—I think it is best to just read that particular paragraph because it is rather self-explanatory:

It is the sense of the Congress that—
(1) the President should instruct the Attorney General to investigate and to prosecute to the fullest extent of the law any person who violates the Logan Act.

It seems to this Senator that that in no way passes judgment on anyone. It in no way indicates the guilt or innocence of anyone, but it does suggest there ought to be an investigation of those who traveled to Iran without authority, in fact, contrary to the President's directive, in spite of the President's ban on travel, and I just suggest there are 24 or more Senators who are concerned about this fundamental concept. This concept concerns taking of the law into one's own hands, the formulating of national public policy with-

out any authority or responsibility whatsoever.

Mr. President, the Senator from Kansas offers an unprinted amendment to S. 2377, the Department of Justice Authorization Act, to include a sense of the Senate resolution the Senator from Kansas introduced separately on June 6. This amendment would encourage the President to instruct the Attorney General to prosecute to the fullest extent of the law, the 10 American citizens led by Ramsey Clark, for their actions with the Government of Iran in apparent violation of the Logan Act (18 U.S.C. 953). Senate Resolution 456 was cosponsored by 24 Senators. On June 10, 1980, an identical resolution was introduced in the House by Congressman Rubin as House Resolution 704.

A FUNDAMENTAL CONCEPT

The resolution the Senator from Kansas and about 24 other Senators introduced addresses a fundamental concept. This concept concerns the taking of the law into one's own hands, the formulating of national public policy without any authority or responsibility whatsoever.

While Mr. Clark was participating in the Iranian conference to condemn America, he seriously jeopardized the safety of the hostages and the potential for future official negotiations. He lent legitimacy to the allegations of the radical revolutionaries against his own people, while 53 of his fellow citizens languish in an outrageous captivity.

From the moment Ramsey Clark and his group joined the Iranian conference called to denounce America, Clark and his supporters have been wrapping themselves in the Constitution in an effort to escape any kind of censure, let alone punishment, for their apparent violation of the laws.

An elaborate attempt to stretch the first amendment to include freedom to travel is used to excuse the fact that Ramsey Clark went to Tehran with the purpose of representing the United States in a de facto official capacity. Ramsey Clark appointed himself to speak for America in an international dispute that jeopardizes the lives of 53 American hostages.

THE FREEDOM TO TRAVEL: A BLATANT SMOKESCREEN

This constitutional issue is a red herring and has nothing to do with Mr. Clark's self-righteous behavior and apparent disregard of the law. The Logan Act, clear and simple, bans unauthorized Americans from dealing with a foreign government, or representing this country in matters of bilateral dispute with foreign governments.

This Senator has seen how the old liberal coalition of antiwar protestors, like the radicals that Ramsey Clark led to Hanoi during the Vietnam war, are trying to obscure Mr. Clark's actions from judicial review by invoking an unwritten freedom to travel. It is too bad they are not more concerned with those laws that are written down.

The Senator from Kansas appeared on the "Good Morning America" program and listened to Mr. Ira Glasser, executive director of the American Civil

Liberties Union, attempt to use the travel ban issue as a smokescreen for what Mr. Clark and the others did. I have no quarrel with Mr. Clark's freedom to go wherever he wants, though it does just seem to me that we are applying a double standard in this country when people with the right kind of political philosophy and media ties, members of the radical left, can defy a Presidential order, but ordinary people like the relatives of the hostages or the Olympic athletes are denied their so-called constitutional right to travel.

Furthermore, it is highly ironic that one of Ramsey Clark's fellow travelers to Iran, John Gerassi, was ordered prosecuted 14 years ago by then Attorney General, Ramsey Clark, for illegally traveling to North Vietnam as part of a six-member, factfinding team for Bertrand Russell's International War Crimes Tribunal.

President Carter may have contributed to the confusion by focusing attention on prosecuting Ramsey Clark under the travel ban instead of under the Logan Act. The travel ban, as some legal scholars have claimed, may limit the constitutional rights to travel. Furthermore, constitutional authorities have recently voiced doubts that the Government could survive a first amendment test of regulations that permit news organizations, but not private citizens, to travel to Iran. The real damage that Ramsey Clark has done to this country is not simply going to Iran in violation of the travel restrictions, but improperly engaging in the conduct of U.S. foreign affairs as a private citizen. Ramsey Clark has, in effect, usurped the authority of the President if he has violated the Logan Act and for this he should be held legally accountable.

THE LOGAN ACT

Mr. President, regardless of the constitutionality of the President's ban on travel to Iran, we must not lose sight of what Ramsey Clark actually did. He apparently violated the provisions of the Logan Act. The Logan Act has never been ruled unconstitutional. It is the law of the land, it is on the books, and it should be enforced.

Unlike the International Emergency Economic Powers Act, under which the Justice Department is presently considering prosecution, the Logan Act does not limit any constitutional right a private American individual may or may not have to travel. The Logan Act, originally enacted as "an act to prevent usurpation of executive functions," prohibits a citizen to correspond with a foreign nation with an intent to influence its conduct in relation to a controversy of the United States, "wherever he may be."

Thus, the Logan Act does not limit a citizen's right to travel, nor does it authorize any Presidential bans on travel. Instead, its focus is to protect the President's position under article 2, section 3, of the Constitution as the sole representative of the United States in dealing with foreign nations.

A CLEAR VIOLATION

And those provisions of the law are exactly the ones Ramsey Clark evidently broke when he arrived in Iran. What did

he do? He condemned America in an anti-American forum of Third World and radical nations, and in doing so apparently broke the law about dealing with foreign officials on an official matter without any official authority.

One of the members of Mr. Clark's group said, upon returning to the United States at Boston's Logan Airport, that "The whole point (of going to) the conference was to represent the United States." Clearly Mr. Clark's group wanted to be seen as an official U.S. delegation. By urging the enforcement of the law by the passage of this amendment, the Senate can make it clear that Ramsey Clark did not represent the United States, did not represent our policies or views, and that his condemnation of the United States will not pass muster with the American people.

In an interview after the conference, Mr. Clark said he thought that giving the Iranian Parliament, which is dominated by the Khomeini clerical party that recently proposed the hostages be tried, the power to decide the hostages' fate "sounds like good government to me." The hostages will remain captive as long as Iran sees the United States as "an angry face, threatening them, seeking to bully them." Ramsey Clark also called the U.S. rescue mission in Iran an act of aggression against that country. Perhaps he would like us to apologize for that too? He said, and I quote:

Human nature knows it's wrong to take hostages, but the hostage issue was converted by the arrogance of the United States into an issue of defiance.

NO ONE IS ABOVE THE LAW

Mr. Clark is entitled to his opinions, and so is the Senator from Kansas, but, airing his opinions in a conference called to condemn America, in the city where our diplomats were taken hostage, and still held captive, is an entirely different matter. The Supreme Court said a person was free to shout "fire" but not in a crowded theater. Mr. Clark set himself up as a representative of all of us in this country, when he went to Iran, and condemned our policy and apologized for it, in a situation where he had no business to be.

Some claim that Mr. Clark ought to be let off because the Logan Act is rarely invoked. For nearly as long as our Republic has existed, the Logan Act has been part of the law of the land. Rarely has there been a need to prosecute loyal and patriotic Americans because of this provision of law. Especially in earlier times, when relations among sovereign states were more formal and clear cut, perhaps, than they are now, when the taking of diplomats as hostages was regarded as an act of war, there was no reason for ambiguity in the disputes between governments.

LEGAL PRECEDENTS

As the Senator from Kansas understands it, the Logan Act was dropped from the new revision of the Criminal Code, scheduled to be considered by this session of Congress, not for any reason based in law, justice or right, but merely because it seldom needed to be used. Mr. Clark's trips to Hanoi and Tehran demonstrate a need for that law to re-

main on the books. This Senator will offer an amendment to the new Criminal Code restoring the language of the Logan Act.

The Senator from Kansas and a number of his colleagues feel the Attorney General should proceed with an investigation under the provisions of the Logan Act. While there are many arguments surrounding the question of constitutionality of the travel ban, the Federal courts have already held the Logan Act to be valid. For instance, in the case of Waldron against British Petroleum Company, the Federal court found—

No merit in plaintiff's argument that the Logan Act has been abrogated by desuetude. From the absence of reprinted cases, one may deduce that the statute has not been called into play because no factual situation requiring its invocation has been presented to the courts.

Though no prosecutions have been brought under the Logan Act, this 1964 opinion clearly indicates that the lack of use of the Logan Act is inclement to its constitutionality.

Mr. President, the issue before the President, the Attorney General, and all the American people is crystal clear. It is apparent that the provisions of the Logan act may have been violated by Mr. Clark, and if so, he should be investigated and prosecuted.

IS IT OK TO BREAK THE LAW

The President banned anyone except those authorized from going to Iran. Ramsey Clark and his group violated that ban. The Logan act, not to mention commonsense, banned them from interfering, and they evidently broke that law. It seems to me that if we want to maintain respect for our laws and policies, then we ought to enforce them when they are broken. If people want to break the laws and live by their own rules, then they ought to be ready to face the consequences. They should not expect to have their cake and eat it too anymore than the rest of us. Even when they are a former Attorney General of the United States—no one is above the law.

If Mr. Clark's convictions are so strong that he feels he can ignore our laws, why is he not willing to face up to the punishment that goes with them? Why is he willing to face the music to do what he wants to do, but not afterward when he got to do it? What kind of conviction is that. But, Mr. Clark is also a member of that special, golden segment of the political spectrum on the left, the one that believes that laws are good things only when they are reinforcing their particular political beliefs. It is all right if the President calls for a ban on travel to Iran where our diplomats have been held hostage for 7 long months. It is all right if ordinary people who just happen to be relatives of those hostages are prevented from going to Iran. But, it is, apparently, another thing altogether when the old antiwar, liberal coalition wants to go over and join a group of anti-American Third World nations in condemning the United States.

CHEAP HEROICS; EASY MORALITY

First, we get a ban on travel to Iran. Then, we let a small group with the right kind of liberal philosophy go over to an

anti-American conference in Tehran, condemn their own country, and then let them come back to the United States with no intention of prosecution. Large segments of the media make Ramsey Clark into some kind of semi-hero for "having the courage of his convictions." It just seems to the Senator from Kansas that this is pretty cheap heroics, and an easy morality, when you know you can ignore your country's laws and come back to all the talk shows and news interview shows to crow about it without fear of prosecution.

The Senator from Kansas does not believe it was right for Mr. Clark to go to Iran as a private citizen, set himself up as a quasi-official representative of our country, and then to condemn the United States—as he did—while 53 Americans are still held hostage.

It is the belief of the Senator from Kansas and the two dozen cosponsors of Senate Resolution 456 that Mr. Clark's group should be liable to prosecution. By the passage of this amendment, the Senate can go on record supporting the expeditious investigation by the Attorney General of Mr. Clark's apparent violation of the Logan Act, avoid the smokescreen about the right to travel, and concentrate on the real damage the Tehran 10 have done to this country.

The Senator from Kansas would just like to add that the following Senators were cosponsors of his original resolution, Senate Resolution 456: Mr. BAKER, Mr. STEVENS, Mr. DOMENICI, Mr. GARN, Mr. GOLDWATER, Mr. HATCH, Mr. HAYAKAWA, Mr. HEINZ, Mr. HUDDLESTON, Mr. HELMS, Mr. HUMPHREY, Mr. JEPSEN, Mr. LAXALT, Mr. LUGAR, Mr. COCHRAN, Mr. BYRD of Virginia, Mr. SIMPSON, Mr. THURMOND, Mr. TOWER, Mr. WARNER, and Mr. SCHMITT.

I frankly disagree with the President in his public comments on the case. It does seem to me he still is the President of the United States, and I guess he could instruct the Attorney General to investigate. But as far as this Senator knows there has been no investigation under the Logan Act. Instead we have had all this talk about the first amendment right to travel, the right to free speech. The Senator from Kansas is not focusing on that issue at all. As I said, as far as I am concerned, that may be a red herring.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. DOLE. Mr. President, how much time does the Senator from Kansas have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. DOLE. Mr. President, let me see if I can finish in 8 minutes.

Mr. LEAHY. Mr. President, if the Senator would allow me, I would be glad to ask the Senator from Arizona (Mr. DeCONCINI) for time on his time to ask a question.

Mr. DeCONCINI. Mr. President, I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, first, if the Senator from Kansas will bear with me a moment just to make a couple of quick points before asking the question.

One, I share the concern of many of my constituents in Vermont of the trip made by Mr. Clark. I am not going to go into it to try to determine whether it was well intentioned or poorly intentioned. That is really not the issue. I think it is unfortunate, with what is going on in Iran, that the Iranian Government, of whatever nature it might be, sees a person who held a high office in this country speaking, in effect, for this country.

I think, with all the problems that we are faced with in Iran, the U.S. Government should speak only with one voice and we should not have either present governmental officials or former governmental officials in Iran speaking as though they are speaking for the U.S. Government. I am sure the Senator from Kansas would agree with that basic statement.

I would also point out, Mr. President, that prior to coming to the Senate, and after my years in private practice, I was a prosecutor for nearly 9 years. During that time, I was considered probably the toughest and meanest prosecutor our State has ever had. I believed in very, very strict enforcement of the laws and I believed in applying them equally to people, whether they held high political office or no political office, or whatever their economic strata.

Having said that, I also felt that during that time I never would have stood for any legislature or any Governor or any Congress or any President telling me, as a prosecutor, how I should or should not prosecute.

And I wonder—and my question to the Senator from Kansas—are we overstepping our bounds here by having the Congress tell the prosecutor for the country whom he should or should not prosecute?

Mr. DOLE. Well, the Senator from Kansas, having been here during the Watergate days and having listened to a great deal of direction coming from Congress in the event of the special Watergate committees and special directions and directives and statements and everything else on the Senate floor, I would say, on that basis, and on another basis, if somebody robbed a bank, I would not be up here discussing that somebody ought to instruct the Attorney General to investigate.

But we are talking about the foreign policy and about a matter that is very sensitive, that has been discussed by every Member of this body, been discussed by the President, been discussed by his opponents. We are talking about, basically and essentially, the freedom of the American hostages.

I just suggest, particularly in view of the President's travel ban, when you just travel with impunity to Iran, as Ramsey Clark did—I see some of the liberal editors saying, "Well, it was foolish, but we shouldn't do anything with Mr. Clark."

I do not have any quarrel with Mr. Clark, because he has been doing this most of his adult life. He and Jane Fonda went to Hanoi and tried to settle that. And I understand that was not very successful; it did not help the prisoners of war.

I think in this case, my answer would be, yes, that we have a right to reflect our views. We are elected officials.

Mr. LEAHY. Mr. President, I ask the Senator from Kansas, would this also apply to the parents of the hostages who went over contrary to the travel ban by the President?

Mr. DOLE. No, I think there would be a distinction there.

I am not talking about the travel ban. I think that is the red herring.

Mr. LEAHY. Would it apply to Congressman HANSEN who went over?

Mr. DOLE. Had he gone over without authority to engage in a conference on crimes against America, I would suggest, yes, but he did not do that.

Mr. LEAHY. Would it apply to him when he went over and spoke on behalf of what the position of the U.S. Government was?

Mr. DOLE. It applies to everybody, let us put it that way. The Logan Act is still on the books and I assume it is looked at from time to time. I am not trying to make any exceptions in this case.

Mr. LEAHY. Mr. President, I am trying to fully understand this in my own mind. I am just wondering if, the way this is written, would it not also apply to the parents of the hostages who have been over there and would it not also apply to the Congressman from Idaho who went over?

I should add that the Senator from Kansas knows, from conversations on this floor and off this floor, I carry no brief with the actions of Mr. Clark. I think it was grandstanding at best, and I really do not agree with Americans going over at a time like this when the United States should be speaking in one voice and expressing what appears to the world, or at least to the Iranians, to be the position of the U.S. Government. But I am also very, very concerned, and I must admit my own bias as a former prosecutor of having a legislative body tell the prosecutor who to prosecute or not, because I could see us coming in tomorrow, for example, and telling the Justice Department who not to prosecute.

For example, we could come in and say, "Don't prosecute any Member of Congress who is indicted for any type of crime," or "Don't prosecute a member of the President's Cabinet," or "Do prosecute a member of the President's Cabinet," or whichever way.

I just wonder if that is something that steps out of our legislative role, whether our legislative role is not one of enacting the laws and then leaving it to the prosecutors to prosecute.

I must admit, there are some very real concerns in this, because I could see a legislative body telling them not to prosecute if they could tell them to prosecute. I am also concerned, if we pass this, what if somebody overly diligent might say it also applies to all these other categories that I have mentioned.

Mr. DOLE. Mr. President, I would, in response to that, call the Senator's attention to the Congressional Research Service document dated October 31, 1978, report 78-212-A, with reference to the Logan Act, and particularly with two

Department of State opinions. The two Department of State opinions dealt with the activities of two Senators and former President Nixon being questioned violating the Logan Act.

In both cases, the Department did not consider the activities to be inconsistent with the Logan Act. The first opinion concerned the question of certain activities of Senator John Sparkman and Senator GEORGE MCGOVERN with respect to the Government of Cuba.

The opinion stated:

The clear intent of this provision (Logan Act) is to prohibit unauthorized persons from intervening in disputes between the United States and foreign governments. Nothing in Section 953, however, would appear to restrict members of the Congress from engaging in discussions with foreign officials in pursuance of their legislative duties under the Constitution.

I would say "unauthorized" is the key word.

With reference to an opinion by Ambassador McCloskey, in reference to a letter to Senator John Tunney concerning former President Nixon's visit to the People's Republic of China, the letter stated:

Mr. Nixon's visit to the People's Republic of China was undertaken entirely in his capacity as a private United States citizen. In accordance with the expressed wishes of the Government of the People's Republic of China and as a normal matter of comity between governments, the U.S. Government permitted an aircraft from the People's Republic of China to land in California in connection with the visit.

So I think there is a clear distinction. Ramsey Clark has been a gadfly for years. Ramsey Clark is a former Attorney General. Ramsey Clark understands the law. Ramsey Clark knew the law when he left. In fact, some people did not go because of the President's travel ban and some may have stayed here because of the Logan Act.

Mr. President, I just suggest that in these extreme cases, and this is an extreme case—we are talking about the lives of 53 American people—I believe the Senate ought to act. We are supporting the President with this resolution. We ought to say to the Attorney General, if he is not listening, to take a look at the Logan Act, to investigate what Mr. Clark and others did under the Logan Act, and to make a determination.

I am not passing judgment on Mr. Clark. I am just saying let us not sweep it under the rug.

Mr. LEAHY. Mr. President, I am not making a point of agreeing with U.S. citizens speaking for the U.S. Government when they are not authorized to do so, but they can also bring judgment against the parents of hostages over there in seeking to influence the Iranian Government.

I yield back the remaining time to the Senator from Arizona.

Mr. DeCONCINI. Mr. President, I would like to ask one question of the Senator from Kansas, since he is making reference to Ramsey Clark. I am outraged with what the Attorney General did. He ought to know better, but he is

a big boy and he has to face the consequences. My question really is, Would this same sense of the Senate have reference to and direction to the President, as the Senator from Kansas would interpret it, to bring actions against the Congressman from Idaho who went to Iran? Is that the Senator's interpretation?

Mr. DOLE. Mr. President, I have just stated two State Department opinions. Of course, he went before the travel ban was made, but I am not talking about the travel ban, I am talking about the Logan Act. I have suggested two opinions from the State Department with reference to Members of Congress who traveled to Cuba and former President Nixon who traveled to the People's Republic of China. The act says very specifically, "to go without authority of the United States."

In the opinion by the State Department, they held that as Members of Congress they had the authority. I would assume everyone in this Chamber sooner or later travels somewhere. For some it is a mission and for others it is a junket. But they travel somewhere and talk to foreign leaders, and I assume they do it with authority. That is the key word.

To continue on my own time, I would guess that probably Ramsey Clark is not concerned about the test. In fact, I think he suggested in a press conference when he returned to this country that if there was going to be a test, that was fine.

There is nothing in the resolution that passes judgment on anyone. The resolution does not single out anyone. The resolution says, as I have said before, that it ought to be investigated.

There have been no convictions under the Logan Act. Some would say it has no force and effect, but I suggest that there are other statutes that have been on the books as long as the Logan Act which are still in full force and effect.

There was an effort to repeal the Logan Act. For example, the distinguished Senator from Massachusetts (Mr. KENNEDY) wished to delete the Logan Act from the bill to amend the U.S. Criminal Code, but the late Senator Allen, of Alabama, insisted on reenacting the act in exchange for prompt and not prolonged debate over the bill. Senator KENNEDY agreed to this.

I just suggest that the Logan Act is alive and well. It has been asleep, but it is there.

It seems clear to the Senator from Kansas, and I would hope that we would proceed to reflect the views of our constituents because this is a matter that involves foreign policy, it is a matter that involves the safety and the lives of 53 Americans. In fact, it was a matter that, until about 30 days ago the President talked about every day. All of a sudden it was put on the back burner for reasons unknown to this Senator.

I just suggest that if it is that important, and it is that important, then we ought to serve notice on anyone else who travels without authority, who enters into correspondence or any other intercourse with foreign nations involved in a dispute with America, and we ought

to make clear, that we do not condone that action, that the Attorney General ought to investigate it, and, if there is a violation—if there is a violation—there should be a prosecution.

Mr. President, I reserve the remainder of my time.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. DOLE. I yield.

UP AMENDMENT NO. 1195, AS MODIFIED

Mr. THURMOND. Mr. President, I think we might get around some of the complications and some of the objections that have been raised. I have reference to the remarks of Senator DeCONCINI and Senator LEAHY, former district attorneys.

I think perhaps we could modify the amendment in this way:

"It is the sense of the Congress that" and eliminate the next three lines and insert this wording in lieu thereof, "the Attorney General be urged to do his duty in those instances where it appears there has been a violation of the Logan Act."

I think that would accomplish that same purpose and, at the same time, it does not tell the President to instruct the Attorney General. It removes that.

Mr. DOLE. Mr. President, I do not have any real reason for the President to instruct the Attorney General. I have some doubts in my own mind that the President should comment on the case. But I guess he still has the right to instruct the Attorney General's office to investigate.

Mr. THURMOND. Mr. President, he does have the right. But with Congress taking action in this way, we have jurisdiction over the Justice Department and, therefore, I think we would be within our propriety or right if we worded it this way.

The PRESIDING OFFICER. All time of the Senator from Kansas has expired.

Mr. THURMOND. Mr. President, is the Senator from Kansas willing to accept that modification?

Mr. DOLE. May I look at it?

I might say that it is my understanding that it does not violate the law if families go over and discuss a matter with foreign officials. The Logan Act exempts conduct involving personal matters and I believe the family relationship qualifies as personal.

Mr. LEAHY. Mr. President, will the Senator from Arizona yield for 1 minute?

Mr. DeCONCINI. I yield.

Mr. LEAHY. Mr. President, I should point out to the Senator from Kansas that it is not the intention of the Senator from Vermont to raise any red herring here. I tried to make very clear my own real concern about Mr. Clark or anybody else seeking to speak for me or for the U.S. Government in this matter.

The U.S. Government should speak for the U.S. Government, and nobody else. I am very concerned about that. I state only that, looking at this as a former prosecutor and now as a legislator, my very real concern is about a legislative body telling prosecutors who to prosecute, because, by the same token, and an

equally dangerous thing, they can tell prosecutors who not to prosecute.

In either way you come out with unequal handling of the law.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I will send to the desk a modification as soon as it is written. It would do this: it would strike from the amendment of the distinguished Senator from Kansas lines 17, 18, and 19 on page 2 of his amendment, and insert in lieu thereof: the Attorney General be urged to do his duty in those instances wherein it appears there has been a violation of the Logan Act.

Mr. DOLE. Mr. President, I ask that my amendment be so modified.

The PRESIDING OFFICER. Is there objection? Will the Senator send the modification to the desk?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 61, between lines 10 and 11, insert the following:

Sec. 120. (a) The Congress finds that—

(1) the Government of Iran has continued to act in a hostile manner toward the Government of the United States since it seized American diplomatic personnel on November 4, 1979;

(2) certain citizens and residents of the United States have collaborated in this hostility by condemning and insulting their own country;

(3) the Government of Iran conducted a "sham" tribunal, falsely represented as an assessment of "crimes of America", at which certain citizens and residents of the United States attended at the request and expense of Iran;

(4) the only means of preventing the dangerous and damaging actions of those American participants in such anti-American propaganda, short of a declaration of war against Iran, is the active enforcement of section 953 of title 18, United States Code (hereafter in this section referred to as "the Logan Act");

(5) the Logan Act provides that any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than \$5,000 or imprisoned not more than three years, or both; and

(6) the President by Executive order has prohibited all travel by American citizens to Iran as part of an overall policy of securing the release of the American hostages.

(b) It is the sense of the Congress that—
The Attorney General be urged to do his duty in those instances wherein it appears there has been a violation of the Logan Act.

Mr. DeCONCINI addressed the Chair. The PRESIDING OFFICER. The Senator from Arizona.

Mr. DeCONCINI. Mr. President, I have to inform the Senator from Kansas that I think the modification offered by the Senator from South Carolina is a realistic approach and, to me, within the realm of reasonableness, so far as I am concerned.

I think what the Senator wants to do is to indicate that the law ought to be

applied equally to everyone, regardless of what position he might have held before.

However, the committee has some strong feelings on this side as to this particular issue, the Logan Act included. I am not prepared to accept the amendment in behalf of the committee.

I can inform the Senator from Kansas that I will be one who will cast a vote for him.

Mr. DOLE. Mr. President, I wonder if the Senator from Arizona will yield me a minute or two?

Mr. DeCONCINI. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas is a lawyer and was a prosecutor, as was the Senator from Vermont, but maybe we just have little prosecutions in Kansas. But I think there is more at stake here than an attack on Ramsey Clark or an effort to support the President, who seems to indicate that, while Ramsey Clark was all right in November, he is not so good in June.

It seems to me that we are involved in a much bigger problem. That is to discourage everybody from going over and condemning America to the Iranian Government, and perhaps jeopardize the safety of our hostages—who knows?

I do not know of anybody who says Ramsey Clark did any good. He got a lot of media coverage, he was on television every night denouncing America. He was confessing our "sins" for the past 28 years. That may have done a lot for some in this country, but what did it do to the hostages or for the hostages or, for that matter, for our policy toward Iran or anybody else?

For all I know, they might think that Ramsey Clark speaks with some authority. He does not. He should not. All I feel is that the Attorney General should stop looking at the so-called travel ban and start looking at the real violation, the Logan Act. The language suggested by the distinguished ranking member of the Judiciary Committee (Mr. THURMOND) narrows it down to that.

I am not going to argue with the right to travel, or the right to free speech. I might agree with the President that there is a question whether the act could apply or does apply. If he sees a violation, he ought to say so publicly. I shall ask for the yeas and nays at the appropriate time and we shall find out who supports Ramsey Clark and who does not.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. DeCONCINI. Mr. President, I yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: The Senator from West Virginia (Mr.

ROBERT C. BYRD) proposes a substitute unprinted amendment numbered 1196 to unprinted amendment numbered 1195, as modified:

In lieu of the language proposed to be inserted, insert the following:

Sec. 120(a). The Congress finds that:

(1) The government of Iran continues to hold hostage 53 American citizens in defiance of international law; and

(2) The Congress of the United States continues to urge the government of Iran to release the hostages immediately; and

(3) The Congress of the United States fully supports every diplomatic effort by the United States government, foreign governments, and international bodies, to secure the immediate release of the hostages; and

(4) The Senate on November 28, 1979, by a vote of 98-0, expressed its sense that there must be an immediate, safe, and unconditional release of U.S. hostages, that the American people and their representatives are united in their determination and efforts to achieve the release of the hostages, and that the United Nations should take all measures necessary to secure the release of the hostages.

(5) The Senate on December 15, 1979, called upon the followers of the religion of Islam throughout the world to prevail upon their brethren to permit the Americans being wrongfully held hostage in Iran to return home immediately, by a vote of 93-0; and

(6) The Senate agreed by voice vote on December 20, 1979, to fully support the President's efforts and the cooperative efforts to other nations and international organizations, to win the freedom of Americans being held captive in Iran.

(b) It is the sense of the Congress that:

(1) Congress opposes efforts by private citizens, undertaken without approval of the United States government, to involve themselves in negotiations regarding the hostages; and

(2) Congress deplors such actions as counterproductive, subject to misrepresentation, and undertaking the unity of purpose necessary to gain the hostages release; and

(3) Calls on all Americans to support the United States government's efforts to negotiate the release of the hostages; and

(4) Supports the enforcement of any applicable statutes that may be violated in the course of private negotiating initiatives.

(Mr. HARRY F. BYRD, JR., assumed the chair.)

Mr. DOLE. Mr. President, will the majority leader yield? We do not have a copy of the amendment here. The press has it; we do not have it.

Mr. ROBERT C. BYRD. I give the Senator my copy.

Mr. DOLE. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, in foreign policy, the Nation must speak with a strong clear voice if we are to achieve our goals in a troubled world. We cannot afford to speak with many tongues. If we do, dialog becomes babble.

Nothing so clearly illustrates this basic lesson as the plight of our hostages in Iran. Their freedom will be gained only through persistent, patient, considered negotiations.

The internal situation in Iran has grown increasingly chaotic over the last several months. The greatest difficulty that the U.S. Government has had is that no one seems to be able to speak authoritatively for the Iranian Government. Promises that were made were

broken. Useful avenues of communication dried up.

The confusion on the Iranian side must not be compounded by any ambiguity or doubt on this side. We must not allow any question to be raised as to who speaks for the U.S. Government in our efforts to negotiate the release of the hostages.

In negotiations with other governments, only the President or his designated representative can speak for the U.S. Government.

The Iranians have initiated an international tribunal to inquire into the so-called past interference of the United States in Iran. This would be just another regrettable propaganda effort were it not for the decision of a handful of American citizens to participate in this inquiry.

I believe that these people, whatever their motives, will be used for anti-American propaganda. I believe that this whole affair is unfortunate and that it has attracted altogether too much attention. The best way to rob this exercise of its propaganda value is to ignore it. I intend to ignore it as much as possible.

However, I believe that there is one question that deserves to be made as clear as possible, to the people of the United States, to Iranians, and to people around the world: Those Americans who have decided to participate in this inquiry are private citizens, and private citizens only. They do not represent the Government of the United States. They do not represent the people of the United States. They represent only themselves.

Those Americans who have chosen to participate in this inquiry should not be construed by anyone as representing the United States in word or deed. This is the point that I want to make very clear. This is the purpose behind the resolution that I am offering.

This resolution does four things: It puts the Congress on record as opposing efforts by private citizens to involve themselves in negotiations regarding the hostages; it deplors private negotiating initiatives as counterproductive, subject to misrepresentation, and undermining the unity of purpose necessary if we are to gain the release of the hostages; it calls on all Americans to support the Government's efforts to negotiate the release of the hostages; and supports the enforcement of any applicable statutes that may be violated in the course of private negotiating initiatives.

Let any ambiguity that may have been created by this affair be ended here and now with clear and decisive support for this resolution.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Is there 10 minutes on a side?

The PRESIDING OFFICER. Ten minutes for the minority leader or his designee and 10 minutes for the authors of the resolution.

Mr. DOLE. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Is the amendment of the distinguished Senator from West Virginia subject to further amendment?

The PRESIDING OFFICER. It is a second-degree amendment and not subject to further amendment.

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

The PRESIDING OFFICER. On whose time?

Mr. DOLE. Unless there is objection equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DeCONCINI. Reserving the right to object, Mr. President—

Mr. ROBERT C. BYRD. Mr. President, I have no objection. I ask it not be charged to either side.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent it be charged on the bill, equally divided on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I modify my amendment as follows: On page 2, paragraph numbered 4, at the bottom of the page, by inserting the words "not excluding the Logan Act or any other act," after the word "statutes." So that the sentence would read as follows:

Supports the enforcement of any applicable statutes, not excluding the Logan Act or any other act that might be violated in the course of private negotiating initiatives.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"Sec. 120. (a) The Congress finds that:

"(1) The government of Iran continues to hold hostage 53 American citizens in defiance of international law; and

"(2) The Congress of the United States continues to urge the government of Iran to release the hostages immediately; and

"(3) The Congress of the United States fully supports every diplomatic effort by the United States government, foreign governments, and international bodies, to secure the immediate release of the hostages; and

"(4) The Senate on November 28, 1979, by a vote of 98-0, expressed its sense that there must be an immediate, safe, and unconditional release of U.S. hostages, that the American people and their representatives are united in their determination and efforts to achieve the release of the hostages, and that the United Nations should take all measures necessary to secure the release of the hostages.

"(5) The Senate on December 15, 1979, called upon the followers of the religion of Islam throughout the world to prevail upon their brethren to permit the Americans being wrongfully held hostage in Iran to re-

turn home immediately, by a vote of 93-0; and

"(6) The Senate agreed by voice vote on December 20, 1979, to fully support the President's efforts and the cooperative efforts of other nations and international organizations, to win the freedom of Americans being held captive in Iran.

"(b) It is the sense of the Congress that: "(1) Congress opposes efforts by private citizens, undertaken without approval of the United States government, to involve themselves in negotiations regarding the hostages; and

"(2) Congress deplors such actions as counterproductive, subject to misrepresentation, and undermining the unity of purpose necessary to gain the hostages release; and

"(3) Calls on all Americans to support the United States government's efforts to negotiate the release of the hostages; and

"(4) Supports the enforcement of any applicable statutes not excluding the Logan Act or any other Act that may be violated in the course of private negotiating initiatives."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. DOLE. I thank the distinguished majority leader for making that change.

I have discussed it with the distinguished minority leader, who is interested in this matter, also, and I believe it satisfies our concerns.

I do not see any need to have a roll-call vote. I believe we are in agreement. We are not trying to pick out any one person or any one act.

This makes it clear that we look at all the statutes that might apply, including the Logan Act, or not excluding the Logan Act.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, this is a good solution to the question at hand. It carries out the purpose that is sought to be served by the Senator from Kansas and the Senator from West Virginia, the majority leader.

I, too, see no need for a roll-call vote. I believe there is virtually unanimous agreement on this language, and I propose that we have a voice vote.

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

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DeCONCINI. I yield.

Mr. THURMOND. Mr. President, I feel that the amendment as offered by the distinguished Senator from West Virginia, as amended with the insertion of the words he has indicated, is satisfactory and carries out the intent and purposes that the able Senator from Kansas had in mind originally; and I believe it will accomplish the purpose he envisioned when he offered the amendment. I am pleased to support it.

Mr. DeCONCINI. Mr. President, I support the amendment, also. The committee is agreeable to this solution, and we are willing to accept the amendment.

I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the substitute amendment