roads, let me quote this section from the report of the Commerce Department:

Tourism is among the world's biggest businesses. Travelers and tourists spend about $30 billion annually in the United States. Half of the States consider tourism one of their three major sources of revenue. Some rate it their most important industry. The magnitude of the recreation travel business is indicated by the fact that the combined annual payrolls of 12 of the Nation's largest corporations equal only one-half of the annual tourist expenditures.

Furthermore—

The report states—

by dramatizing the splendors of the United States, the proposed national program will tend to encourage travel at home and conserve dollar exchange.

What is its value to communities along the scenic roads? We are told in the report that the U.S. Chamber of Commerce estimates that cash returns from two dozen tourists per day benefit a community as much as a factory with an annual payroll of $100,000.

It may be asked whether this program will also mean employment? The study estimated that the minimum program of $4 billion would generate an estimated 864 million man-hours of work, both on-site and off-site. The extended program of $8 billion would generate double that amount.

I am fully aware of the squeeze for funds that is being exerted by our national security needs at this time. However, I believe that we must act quickly to authorize and begin the plans for a program of this type to use it when the need occurs for increased Federal spending.

I join with the authors of the report in saying that—

A study of its merits will reveal that this program of scenic roads and parkways ranks high among other present or projected national programs which will return a maximum of benefit per dollar of investment to the average American.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment to 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate adjourned until tomorrow, Thursday, March 2, 1967, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 1, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed are they who hunger and thirst after righteousness, for they shall be filled.—Matthew 5: 6.

Eternal God and Father of us all, amid the maddening maze of daily duties and the fever and fret of trying times, we would dwell for a moment in the secret place of the Most High and abide under the shadow of the Almighty.

In this quiet moment of prayer we would make ourselves receptive to Thee. Help us to hear Thy voice and to be obedient to the call of Thy spirit. May our hunger for truth and our thirst for life find their fulfillment in Thy presence. As we live through this day may we keep our hearts open to Thee, who art the source of strength for the faithful soul.

To Thee we bring the Members of this body and for them we pray. Give them clarity of insight to see what is right, confidence to do what is right, and the courage to keep on the right path now and always. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries.

JUNK MAIL

Mr. MESKILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

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

There was no objection.

Mr. MESKILL. Mr. Speaker, today I introduced a bill to raise charges on so-called junk mail users enough to cover the cost of mailing.

Advertisers using junk mail presently have a large part of their expenses paid for by the taxpayer, and this is wrong.

Rates for this class of mail are so low that the taxpayer, who has to pay 5 cents to mail his own letters, subsidizes about 40 percent of the mailing costs on third-class mail. The rate increase proposed in my bill would bring in millions of dollars in added revenue for our Post Office Department. It would remove an unjust subsidy. People who wish to advertise in newspapers, or on radio and television, are charged the full cost of the ad. There is no reason why the taxpayer should pick up a substantial part of the tab for someone who uses the mail to advertise his products or services.

Under my bill, rates for third-class mail would go from the present 4 cents for the first 2 ounces for a single piece to 5 cents, and from 2 cents for each additional ounce to 2½ cents.

Bulk mailings of books and catalogs would go from the present 12 cents a pound or fraction of a pound to 18 cents.

Matter mailed in bulk would be subject to a minimum charge of 4½ cents per piece, up from the current rate of 2⅞ cents.

Rates for mailings by nonprofit educational, charitable, and religious organizations would be half of the regular rates.

The annual bulk mailing fee would be raised from $30 to $40.

ADAM CLAYTON POWELL

Mr. THOMPSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. THOMPSON of Georgia. Mr. Speaker, realizing that there is going to be quite a bit of debate on the matter of House Resolution 278, regarding the seating of ADAM CLAYTON POWELL, I would like to go on record to state that should I be recognized, I will offer the following amendment:

Strike out all after the resolving clause and insert in lieu thereof the following: "That Adam Clayton Powell, Representative-elect from the State of New York, is found to have abandoned prior to November 8, 1966, his inhabitancy in the State of New York and does not meet constitutional requirements and shall not be seated in the House of Representatives, and the seat of the 18th District of New York is hereby declared vacant."

SENIORITY SYSTEM

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, the House and the country are properly outraged by the conduct of Mr. POWELL, and it is entirely proper that disciplinary action be taken against him. At the same time action should be taken to correct a condition without which the sorry affair could not have developed.

The House today would not be confronted with this difficult, constitutionally complicated problem—and the House's reputation would not have been so damaged—had it not been for the archaic system used in selecting committee leadership.

No one could imagine Mr. POWELL getting by with the conduct recited in the committee report if his position and tenure as chairman of the Education and Labor Committee had depended on periodic approval by the committee majority. Public criticism long ago would have forced Mr. POWELL to change his ways or leave the chairmanship.

For Mr. POWELL the seniority system was a protective shield behind which he could misuse funds and otherwise act in a disgraceful manner.

The seniority system may have merit here and there, but as a means of selecting the people for high legislative positions—to whom the Nation must look for imaginative, effective leadership, it is as outdated as the divine right of kings and the right of primogeniture.

Admittedly it has put some excellent people in committee chairmanships in

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the past—and has done so today. But even these would be better equipped to help give Congress the influence it should exert if they held their position because their committee colleagues voted them there.

I can think of no single step which would do more to strengthen public confidence in the House than to require that committee chairmen be selected by majority vote of committee members, rather than by seniority.

BILL TO MAKE BIRTHPLACE OF JOHN F. KENNEDY A NATIONAL HISTORIC SITE

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am introducing, for appropriate reference, a bill to make the birthplace of President John F. Kennedy, in Brookline, Mass., a national historic site. The bill authorizes the Secretary of the Interior to acquire the property by gift, to administer it in accordance with the laws relating to historic sites, and to develop a plan to maintain the property and allow access to it for the public.

John F. Kennedy was born in this house, at 83 Beals Street in Brookline, on May 29, 1917. For this reason, the property has assumed a historic importance, and there has already been considerable interest expressed, in Brookline and in Massachusetts, in preserving this site for posterity.

Many of the homes of our Presidents are owned by the Federal Government and administered as historical sites by the National Parks Service. Theodore Roosevelt, Woodrow Wilson, Herbert Hoover, and Franklin D. Roosevelt are some. I feel this is the most prudent way to preserve for the future President Kennedy's birthplace. Too often in our history, the birthplaces of Presidents have passed from hand to hand as private property, sometimes being allowed to deteriorate, sometimes even being destroyed to make room for improvements. The Nation has lost valuable historical treasures when this is allowed to happen.

The property at 83 Beals Street is presently owned by the family of President Kennedy. It is their intention, if this legislation is enacted, to make a gift of the property to the Federal Government, thus relieving the Government of acquisition costs.

I hope the Congress will take suitable action on this bill, to allow the birthplace of our late, beloved President to become a part of the national historic preserve.

SIXTH ANNIVERSARY OF THE PEACE CORPS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MORGAN. Mr. Speaker, today marks the sixth anniversary of the Peace Corps. The record shows that it has survived original skepticism to achieve great success.

As chairman of the House committee which oversees Peace Corps operations—now expanded to 52 countries overseas—I am particularly pleased to be able to note that not only my State but my congressional district has played a leading role in this success. Today, one out of every 21 Peace Corps volunteers is from Pennsylvania, and already more than 500 Pennsylvanians have completed 2 years of Peace Corps service. Among the States of the Union, the Commonwealth's participation ranks fourth largest.

Pennsylvania has provided the Peace Corps with key leadership during these past 6 years: 67 of the staffers who have served at the Peace Corps' Washington headquarters and overseas are from my State.

Finally, I would like to point out that the Commonwealth has served as an important training ground for Peace Corps volunteers. In fact, one out of every 12 volunteers was trained for overseas service at a Pennsylvania university.

As the Peace Corps expands its efforts in education, agriculture, and public health to new areas, it is my hope that Pennsylvania will continue to play a leading role in this exciting international program.

For the accomplishments of the Peace Corps provide one of the most satisfying aspects of our foreign aid.

Particularly impressive, I believe, are the signs of growing maturity which the Peace Corps is showing by tackling life-and-death problems, as it did in India last year with a stepped-up effort in food production.

It is a pleasure to take note of the agency's anniversary and to wish it continued success.

NATURAL DISASTERS — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 70)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed:

To the Congress of the United States:

I have the honor to transmit this report of activity during calendar year 1966 under Public Law 81–875. That law empowers the President to supplement the efforts and resources of States and local governments in alleviating the suffering and damage caused by natural disasters.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 1, 1967.*

ADAM CLAYTON POWELL

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. SNYDER. Mr. Speaker, shortly this body will take up the important question of seating the Member-elect from New York [Mr. POWELL].

Members of this body versed in the law are divided over the definition of the word "qualifications." Some say we cannot look beyond the constitutional qualifications of age, U.S. citizenship, and inhabitancy in the State of New York. Some say that a broad interpretation of the word lets us look beyond this.

Many of us—and I think most of us—have been critical of the courts for their decisions which legislate for us. For this body to legally define this word here today, we could be called to task for attempting to invade the arena reserved for the courts.

The committee unanimously found that the Member-elect "wrongfully and willfully appropriated" various sums of public money "to his own use." In other words, the committee found that he, in effect, stole from the Treasury of the United States. What this committee has found is no less an offense than if a Member would steal gold from the Fort Knox vault. The committee report, if adopted, would say to the American public that you can be a Member of Congress and—you can stay a Member—even though you are found by the Congress to have "wrongfully and willfully appropriated public funds for your own use."

If we seat the Member-elect today—under any circumstances and regardless of the penalty—then we cannot expect the people to have one ounce of respect for this body.

Some predict that the Supreme Court will order the Member-elect seated. My people do not want him seated. The people of this country do not want him seated. We are the people's Representatives and our actions should reflect their desires. Let it not be said that we are guilty of seating the Member-elect. If the Supreme Court should in the final analysis do what some predict—and this is speculative—then let it be their responsibility; not ours.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 20]

Anderson, Ill.	Fraser	Murphy, N.Y.
Ashley	Friedel	Pepper
Blanton	Holifield	Philbin
Bow	King, Calif.	Ronan
Cahill	Kirwan	Sisk
Clark	Long, Md.	Willis
Dawson	Macdonald, Mass.	Young
Donohue	Morse, Mass.	
Edwards, La.		

The SPEAKER. On this rollcall, 405 Members have answered to their names; a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC DEBT LIMIT

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 4573) to provide, for the period ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk commenced the reading of the statement.

By unanimous consent (at the request of Mr. MILLS), the further reading of the statement was dispensed with.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 28)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4573) to provide, for the period ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments to the text and to the title of the bill.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
FRANK KARSTEN,
JOHN W. BYRNES,
THOMAS B. CURTIS,
JAMES B. UTT,
Managers on the Part of the House.

RUSSELL B. LONG,
GEORGE SMATHERS,
CLINTON P. ANDERSON,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4573) to provide, for the period ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as passed by the House provided a temporary increase in the public debt limit as set forth in section 21 of the Second Liberty Bond Act to $336 billion for the period beginning on the date of the enactment of the bill and ending on June 30, 1967.

The Senate amendment to the text of the bill struck out all after the enacting clause and inserted new text providing for a permanent increase in the debt limit to $336 billion. Under the conference agreement, the Senate recedes.

The conferees on the part of the House stated they will recommend that an increase in the permanent debt limitation be considered by the Committee on Ways and Means in connection with the Committee's next review of the debt limitation, which must occur prior to July 1, 1967.

The Senate recedes on its amendment to the title of the bill.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
FRANK KARSTEN,
JOHN W. BYRNES,
THOMAS B. CURTIS,
JAMES B. UTT,
Managers on the Part of the House.

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, 3 weeks ago, on February 8, the House passed H.R. 4573, a bill which raises the temporary ceiling on the public debt to $336 billion for the remainder of the fiscal year.

THE NEED FOR A HIGHER DEBT LIMIT

We took this action after it became clear from the testimony of administration officials that the present $330 billion limit is inadequate. For 3 months now—since late November 1966—the Treasury has been operating uncomfortably close to the present ceiling. Under these circumstances, the Treasury has been left with virtually no margin for contingencies. At times, they have also been forced to operate with cash balances well below the $4 billion that has always been considered the minimum necessary for flexible cash management.

For example, on November 30 last year, the level of the debt reached $329.6 billion, just $400 million short of the statutory limitation. In order to operate within the limitation, the Treasury was forced to reduce its operating cash balance on that date to $3.3 billion. By December 15, the situation had become even tighter. The amount of the debt was then only $149 million below the limitation and the Treasury's operating cash balance was down to $916 million, only enough to cover a few days' expenses.

While the situation improved a bit in late December, the improvement was temporary. By January 15, when the level of the debt was $329.8 billion, the cash balance was reduced to $2.6 billion.

IMMEDIATE ACTION IS IMPERATIVE

When Secretary Fowler and other Treasury officials appeared before your committee to request an increase in the $330 billion limitation, they pointed out that the situation would become intolerable in March and April under the present limitation. The debt for the fiscal year has in the past reached its peak during the first 2 weeks of March, a period when the flow of cash into the Treasury is relatively light. At the same time, tax refunds must be paid in addition to regular monthly expenses. The Treasury officials predicted that they would be unable to meet all the obligations which will fall due during this period unless this bill is approved.

We already have evidence of the accuracy of those predictions. Because this bill has not already been approved by Congress, the Treasury is being forced to take certain unusual actions to pay the debts of the Federal Government without exceeding the $330 billion debt limitation. For example, the Treasury expects to have to redeem about $700 million of special Treasury issues from the civil service retirement fund, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board and go out into the market with these funds and buy outstanding securities. Normally these securities would remain invested in the special Treasury issues. Furthermore, the Treasury has announced that if it did not have the larger limitation by the beginning of business this morning, it might be required to disinvest $700 million of the funds of the exchange stabilization fund.

These actions are within the legitimate powers of the Treasury. They do not, however, constitute good debt management. Similar actions have not had to be taken in order to operate under the debt ceiling since the years 1957–58. If we give prompt approval to this report, these actions can be terminated promptly. They will not have to be continued for several months as was necessary in the earlier period of their use.

THE SENATE AMENDMENT

The Senate amended the house bill to make the $336 billion limitation approved by the House the permanent debt ceiling. That is, under the bill as amended by the Senate, the debt ceiling would not revert to the permanent level of $285 billion on June 30, 1967, but would remain $336 billion until such time as Congress amended it.

In conference, the conferees on the part of the House insisted on the House version of the bill because we felt the House should be given time to consider such an amendment. The conferees on the part of the Senate receded from their amendment, restoring the bill to the form in which it passed the House.

Personally, I think the Senate amendment is one that should be given careful consideration. I want this considered at the same time we consider the proper treatment under the debt limit for guaranteed debt for which the Government has only a contingent liability. I support the commitment made by the House conferees that the question of the permanent limit be taken up the next time the question of the debt limitation is considered. Such consideration will have to occur, of course, before the end of the fiscal year.

If I have my way, the limitation will be made permanent when we consider the debt limit in the next 2 or 3 months. But I will want to make sure if we do alter the permanent limitation that it will replace the temporary limitation as a rein on Federal spending. We may agree that the present permanent limitation is no longer meaningful, but we must make sure that a new permanent limitation continues to have some control over the level of expenditures.

CONCLUSION

In conclusion, I urge the prompt approval of this conference report. The bill agreed to in conference is exactly the same as the bill that was approved by this House 3 weeks ago. Any delay in its passage will only force the Treasury Department to resort to undesirable debt management practices.

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

Mr. MILLS. I yield to my good friend from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman give us the number of times the debt ceiling has been increased under the present administration?

Mr. MILLS. Yes, sir. In the report—if the gentleman has it before him—which was filed by the committee to accompany the bill H.R. 4573, we listed the number of times that the debt ceiling has been increased, beginning on page 9, appendix III, table 1, which continues through pages 10 and 11.

Now, getting to the gentleman's question, would the gentleman want me to go to 1961 or from December 1963?

Mr. GROSS. I am directing my question to the present administration, to the Johnson administration. How many times has the debt ceiling been raised under the Johnson administration?

Mr. MILLS. Let us start, then, with the first action under that administration, which was for the period June 30, 1964. On June 29, 1964, we increased the debt limit from $309 billion to $324 billion. Then on June 24, 1965, we raised it to $328 billion, and then on June 24, 1966, we raised it to $330 billion. This bill is for an additional $6 billion, which will raise it to $336 billion. This will be the fourth time in this Administration the debt limit has been increased.

Mr. GROSS. The reason I ask the gentleman this question is because the gentleman from Texas [Mr. BROOKS], in the well of the House earlier this afternoon, spoke of the remarkable achievements of this administration. I noted that he made no reference whatever to the number of times the debt ceiling has been increased, under the present administration, nor to the Federal debt as it presently exists, nor to the interest payments on the Federal debt. Neither did the gentleman from Texas mention the fact that this Nation now has $1 trillion 380 billion of public and private debt. I cannot conceive of a more inappropriate day for the gentleman from Texas to have made his dissertation on the remarkable achievements of this administration than on this day when an increase in the huge Federal debt is an issue.

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

Mr. MILLS. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, is it not also a fact that during the Kennedy administration and the Eisenhower administration there were debt increases?

Mr. MILLS. There were increases in all but one year since 1954 and in some of the years there were two or more increases.

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

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I was not aware that anyone took the floor this morning to talk about the remarkable achievements of those years.

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I signed the conference report. All members of the House conference signed the report. I will support the report of the conference as it comes before the House this afternoon. The bill is brought back exactly as it passed the House of Representatives. There is no basis, therefore, under the normal rules that govern a conference report to object to the conference report as long as the action of the House prevailed.

I believe, however, that I should say, Mr. Speaker, a few words about the Senate amendment that was rejected in the conference.

I should say a few words about the Senate amendment because of the significance the amendment would have had, as well as the effect the action of the conference will have, in connection with further consideration of debt ceiling legislation by the Congress of the United States.

The chairman of the committee, the gentleman from Arkansas, suggested that because we came back to the House with the identical bill which passed the House it was a great victory.

I am not sure what there was a victory about. In my judgment, it certainly was not a victory for responsible action.

Frankly, I believe it is preposterous that we should turn down a Senate amendment which had as it sole objective the elimination of a fiction which serves no useful purpose; namely, the fiction that the ceiling established by the bill of $336 billion is only temporary.

It is not temporary, I would tell my colleagues. My colleagues might just as well make up their minds on that today, because the facts are that they are going to be asked within the next 4 months—not 6 months, and not a year from now, but within 4 months, or less than that—to take action again. We are going to be debating on the floor of the House, and the administration will have asked for an increase in the debt ceiling above the $336 billion. That debate will take place prior to June 30.

The administration will probably be asking, if we can rely on present projections of spending and income, a further increase of some $10 billion over and above the $336 billion that is approved by this legislation.

So where is the temporary nature of this particular ceiling that we are establishing today? It is temporary only in that we know it will be increased; not temporary in terms of reverting to the permanent ceiling of $285 billion.

Let me tell you some things that our rejection of the amendment will do, of a more affirmative nature and I think dangerous nature.

We would be much better off in considering debt legislation if we would act responsibly and accept the Senate amendment.

First, our refusal to accept the Senate amendment will mean that we shall have to come in here and act before June 30. We shall have to act within the next 4 months. There will be no alternative. Why? Because otherwise the ceiling will go back to $285 billion, and we already have outstanding debts of $330 billion. By that time, in June, they will be in the neighborhood of $336 billion.

It will be argued, and correctly so, that we cannot bring our public debt within the ceiling of $285 billion. To do so would mean we would have to manage our fiscal affairs in such a way as to produce a surplus in excess of $45 billion within the next 4 months. This, of course, is an impossibility. This administration is not producing surpluses—it is producing deficits.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Wisconsin has expired.

Mr. MILLS. Mr. Speaker, I yield the gentleman an additional 5 minutes.

Mr. BYRNES of Wisconsin. I thank the gentleman.

They will say we cannot pay off $45 billion or $50 billion of our outstanding obligations in the next 4 months, or by June 30, so we have to prevent a return to the $285 billion as the maximum debt that can legally be outstanding after June 30.

What will that mean when we have to act within 4 months? First, it will mean that again we will be acting under an emergency situation. We will be threatened with the dire consequences of a $285 billion ceiling which we cannot meet.

We will be asked to increase the ceiling before we know what the facts are with respect to fiscal year 1968. If we adopted the Senate amendment, at least we would have time between now and next September or even December to act on any further increases that may be necessary, because a $336 billion ceiling would carry us until about the first of September if there was not any enactment of the tax increase recommended by the President. If the tax increase recommended by the President is enacted, we are told we could operate until December before we increased the debt ceiling above $336 billion. The point is, however, that by rejecting the Senate amendment we force ourselves again to act in haste and without all of the facts and under the threat of an emergency. Yet, what the majority did by insisting in the conference on rejection of the Senate amendment was to keep over your heads and over all of our heads this sword of Damocles posed by the $285 billion ceiling with a temporary ceiling of $336 billion. Thus they distort the debate that will take place when we consider the next debt ceiling bill in June.

Mr. Speaker, mark my words, they will say, "Oh, you have to pass this bill because the permanent debt ceiling is only $285 billion. You have to pass some legislation giving us a bigger debt ceiling."

Well, let me say this, and this is really the point of my remarks this afternoon, Mr. Speaker. I think that it will come with bad grace for anybody to threaten any Member of the House with the consequence of reverting to a $285 billion ceiling when we come to the debate on this matter next June. Why? Because the very people who will make that argument are those who rejected the possibility of eliminating this fiction.

This fiction has no place in the law of the United States. The majority members on the conference committee by agreeing to eliminate this fiction the next time we act on debt ceiling legislation admit the continuation of this fiction is wrong.

The House conferees should have accepted the Senate amendment.

Mr. MILLS. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RELATIVE TO THE SEATING OF REPRESENTATIVE-ELECT ADAM CLAYTON POWELL

Mr. CELLER. Mr. Speaker, pursuant to House Resolution 1, I call up for immediate consideration the following privileged resolution, House Resolution 278, which is at the Clerk's desk.

The Clerk read the resolution, as follows:

Whereas,

The Select Committee appointed Pursuant to H. Res. 1 (90th Congress) has reached the following conclusions:

First, Adam Clayton Powell possesses the requisite qualifications of age, citizenship and inhabitancy for membership in the House of Representatives and holds a Certificate of Election from the State of New York.

Second, Adam Clayton Powell has repeatedly ignored the processes and authority of the courts in the State of New York in legal proceedings pending therein to which he is a party, and his contumacious conduct towards the court of that State has caused him on several occasions to be adjudicated in contempt thereof, thereby reflecting discredit upon and bringing into disrepute the House of Representatives and its Members.

Third, as a Member of this House, Adam Clayton Powell improperly maintained on his clerk-hire payroll Y. Marjorie Flores (Mrs. Adam C. Powell) from August 14, 1964, to December 31, 1966, during which period either she performed no official duties whatever or such duties were not performed in Washington, D.C. or the State of New York as required by law.

CALL OF THE HOUSE

Mr. HARDY (during reading of H.R. 278). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 21]

Bolton	Dawson	Macdonald,
Bow	Edwards, La.	Mass.
Brown, Calif.	Fraser	Morse, Mass.
Button	Friedel	Ronan
Cahill	King, Calif.	

The SPEAKER. On this rollcall 420 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RELATIVE TO THE SEATING OF REPRESENTATIVE-ELECT ADAM CLAYTON POWELL

The SPEAKER. The Clerk will resume the reading of the resolution.

The Clerk read as follows:

Fourth, as Chairman of the Committee on Education and Labor, Adam Clayton Powell permitted and participated in improper expenditures of government funds for private purposes.

Fifth, the refusal of Adam Clayton Powell to cooperate with the Select Committee and the Special Subcommittee on Contracts of the House Administration Committee in their lawful inquiries authorized by the House of Representatives was contemptuous and was conduct unworthy of a Member; Now, therefore, be it

Resolved,

1. That the Speaker administer the oath of office to the said Adam Clayton Powell, Member-elect from the Eighteenth District of the State of New York.

2. That upon taking the oath as a Member of the 90th Congress the said Adam Clayton Powell be brought to the bar of the House in the custody of the Sergeant-at-Arms of the House and be there publicly censured by the Speaker in the name of the House.

3. That Adam Clayton Powell, as punishment, pay to the Clerk of the House to be disposed of by him according to law, Forty Thousand Dollars ($40,000.00). The Sergeant-at-Arms of the House is directed to deduct One Thousand Dollars ($1,000.00) per month from the salary otherwise due the said Adam Clayton Powell and pay the same to said Clerk, said deductions to continue while any salary is due the said Adam Clayton Powell as a Member of the House of Representatives until said Forty Thousand Dollars ($40,000.00) is fully paid. Said sums received by the Clerk shall offset to the extent thereof any liability of the said Adam Clayton Powell to the United States of America with respect to the matters referred to in the above paragraphs Third and Fourth of the preamble to this Resolution.

4. That the seniority of the said Adam Clayton Powell in the House of Representatives commence as of the date he takes the oath as a Member of the 90th Congress.

5. That if the said Adam Clayton Powell does not present himself to take the oath of office on or before March 13, 1967, the seat of the Eighteenth District of the State of New York shall be deemed vacant and the Speaker shall notify the Governor of the State of New York of the existing vacancy.

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the time be extended for an additional hour.

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

There was no objection.

Mr. CELLER. Mr. Speaker, I yield one-half of the time allotted to the gentleman from West Virginia [Mr. MOORE].

The SPEAKER. For debate only?

Mr. CELLER. For debate only.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I yield myself such time as I care to use.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Louisiana for a parliamentary inquiry?

Mr. CELLER. I yield for one inquiry.

The SPEAKER. The time is coming out of the hour allotted to the gentleman from New York.

Mr. CELLER. I yield for one inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, in view of the fact that I am limited to one inquiry, that one inquiry will of necessity be rather long.

Am I correct in assuming that under the rules in debating House Resolution 278 that now, since the time has been extended an additional hour by unanimous consent over and beyond what the rules of the House provide for, that the gentleman from New York [Mr. CELLER] will control the time for the 2 hours less that yielded to the gentleman from West Virginia and that this time will be used for no purpose except debate of House Resolution 278; that he will have the option of determining whether or not amendments or substitutes can be offered; that at the conclusion of this 2 hours of debate on House Resolution 278 he will move the previous question, which, if voted down, will make amendments or substitutes to House Resolution 278 in order; at that time will the Speaker give preference, if the previous question is voted down, to the minority who oppose the resolution to control the ensuing hour, or will the Chair give preference to committee members who oppose the resolution regardless of which side of the aisle they sit on to offer amendments or substitutes to House Resolution 278; and if amendments or substitutes are offered then will there occur another vote on the previous question, if the preceding previous question is voted down, and what will be the order of priority in recognizing some Member of the House on either side of the aisle, either alternatively Democratic and Republican or alternately Republican and Democratic in determining who will control each ensuing hour; and will we have the opportunity to vote on all previous questions no matter how many amendments are offered as long as preceding previous questions are voted down?

The SPEAKER. In answering the several questions involved in the statement made or in the parliamentary inquiry made by the gentleman from Louisiana, the Chair will state that the Chair will follow the rules of the House of Representatives as it is the duty of the Chair to do, and the precedents. The question of the allocation of time is a matter for the chairman of the committee, one-half of the time being yielded to the gentleman from West Virginia [Mr. MOORE]. Both the chairman and the ranking minority member of the select committee control the allocation of time. The question of recognition is one that the Chair will pass upon if that time should arise.

On the other questions of the gentleman from Louisiana the Chair will determine them as they arise in accordance with the rules of the House and the precedents.

The gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I yield myself such time as I care to use.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the nine men appointed by the Speaker of the House were weighted with the heaviest responsibility

that can be placed on any one group—to sit in judgment on their fellow man. What is asked of us when we judge one who had been a colleague for 22 years, who had been sent to Congress time and time and yet time again by his constituency?

That we set all passions aside.

That we examine to the furthest degree possible all the facts before us.

That we, as lawyers, study the precedents of the House and Senate.

That we review all pertinent law.

That we place objectivity above politics and fairness above fear.

That we preserve the dignity of this House.

That we respect the wishes of a constituency.

That we set no precedent that long after we are gone may come back to haunt this representative body.

That we devise the structure of punishment that will be immediate, effective, certain and lasting.

That we act with complete integrity in service to this House.

We followed all these injunctions, laboring for weeks, meeting for as much as 8 hours a day. There is not a facet of the law or facts, as we knew them, that we did not hold up to the light of reason.

This committee recommended:

First. That the Speaker administer the oath of office to the said ADAM CLAYTON POWELL, Member-elect from the 18th District of the State of New York.

Second. That upon taking the oath as a Member of the 90th Congress the said ADAM CLAYTON POWELL be brought to the bar of the House in the custody of the Sergeant at Arms of the House and be there publicly censured by the Speaker in the name of the House.

Third. That ADAM CLAYTON POWELL, as punishment, pay to the Clerk of the House to be disposed of by him according to law, $40,000. The Sergeant at Arms of the House is directed to deduct $1,000 per month from the salary otherwise due the said ADAM CLAYTON POWELL and pay the same to said Clerk, said deductions to continue while any salary is due the said ADAM CLAYTON POWELL as a Member of the House of Representatives until said $40,000 is fully paid. Said sums received by the Clerk shall offset to the extent thereof any liability of the said ADAM CLAYTON POWELL to the United States of America with respect to the matters referred to in the paragraphs third and fourth of the preamble to House Joint Resolution 278. The liabilities referred to here are civil liabilities; and, it is the intention of the committee that if the Department of Justice finds there is criminal liability, then prosecution in the courts for criminal acts shall ensue.

And last, that if the said ADAM CLAYTON POWELL does not present himself to take the oath of office on or before March 13, 1967, the seat of the 18th District of the State of New York shall be deemed vacant and the Speaker shall notify the Governor of the State of New York of the existing vacancy.

You have the report before you. The facts and the reasoning are there. I am sure you have studied the report most carefully.

There are those who believe we acted too leniently, others that we acted "to annihilate by humiliation," as one man put it. Some say in words of common parlance, "kick him out."

Mr. Speaker, to them I say read the precedents. Expulsion is the most drastic action. It has been rarely availed of, and then only during the Civil War for treason, the treason being spelled out of Members joining and fighting on the side of the Confederacy against the Union. Except for three instances of treason, resolutions of expulsion either failed to receive the necessary two-thirds vote, or lost, and a resolution of censure was substituted and was approved.

Mr. POWELL's wrongdoing does not rise to the heights of malevolence such as treason. Remember he was reelected by his constituents after and despite well-advertised shortcomings. That was an important factor in our deliberations. However, it was not controlling, because the House of Representatives can also pass judgment on conduct which is injurious to its processes, its dignity, and its official committees. Yet we could not permit his dalliance and defaults to go unwhipped without suitable sanctions and discipline. We had to face up to the necessity of meaningful punishment.

The penalties imposed satisfy a stern sense of justice.

You will note that we went beyond censure. Never before has a committee devised such punishment short of exclusion which went beyond censure. Censure is a dreadful act to contemplate. Imagine, if you will, yourself walking down the aisle of this Chamber accompanied by the Sergeant at Arms, and in the well of the House listening to the strictures placed upon you by the Speaker in the presence of your colleagues.

Exclusion or expulsion seemed deceptively simple. Yet neither could bring into play the punishments herein devised, keeping as well the recommendations of this committee within the boundaries of the Constitution and the precedents. Some may demand exclusion—ouster at the threshold by majority vote. The Constitution lays down three qualifications for one to enter Congress—age, inhabitancy, citizenship. Mr. POWELL satisfies all three. The House cannot add to these qualifications. If so it could add, for example, a religious test or conceivably deny seats to a minority by mere majority vote.

Madison and Hamilton were aware of the danger of permitting the House to regulate qualifications. They therefore said the Constitution unalterably fixes and defines qualifications. Madison said that to allow the Congress such power would be improper and dangerous.

There is the charge of racism, which has been heard. That is as baseless as it is cruel. Baseless because we have within recent memory condemned and punished white Members. Cruel because it gives a false impression to the Negro, especially to the lowly Negro, that the black man is singled out for penalties. This is a canard that arouses hostile emotions and results in acts that only add fuel to the backlash.

The eight men who labored with me put their minds and their hearts to the task.

They did so without rancor, without the paralyzing spirit of revenge. They acted as lawyers and as free men with not a trace of bending to the blinding forces of hysteria.

We are met today in solemn conclave. I am certain we will act with the same integrity to preserve the high traditions of this House, and for the honor of the House I ask approval of the pending resolution.

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

Mr. CELLER. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, the fine analysis that we have just heard has come from the distinguished dean of this House who has served here for much more than 40 years. His long experience as a Member, his stature as a lawyer, his long tenure on the Committee on the Judiciary and his long tenure as chairman of that great committee, which is the lawyers' committee of this House, all tend to equip him as few Members have ever been equipped, to pass judgment where legal, equitable, and moral issues are involved. He has been assisted in this endeavor by a very strong select committee on both sides of the aisle, outstanding Members of the House, Members who have worked at the job, Members who have the confidence of the House.

It is true that what the committee has recommended adds up to stern punishment. But in its wisdom, the committee has decided that this is a just punishment. There may be extremists who would go in one direction or another further than the committee has gone. But the committee—and the committee alone—has spent 8 hours a day studying all aspects available on this case. I think the committee has done an outstanding job. I think the committee deserves the support of the House, and I trust it will have the support of the House and that the House will vote up the previous question when that time comes and adopt the resolution as it has been brought here to the House by the committee. The committee had no alternative under the circumstances than to take stern action. This it has done and the committees deserves our support.

Mr. LENNON. Mr. Speaker, will the distinguished gentleman from New York yield for just one question, please?

I think the gentleman knows the respect that all Members of the House have for him. I wonder if the gentleman would object to having the Members of this House turn to page 31 of the report and read the nine specific findings of this committee. If the gentleman would be gracious enough at this time for the record to read into the RECORD the findings—No. 3, which alleges that as a Member of Congress, Mr. POWELL wrongfully and willfully appropriated $27,505.34 of public funds—read all of that into the RECORD.

Then read finding No. 4 in the RECORD, which is identical except for a smaller amount of money.

Then turn to page 32 and read specifically into the RECORD wherein the

committee finds that the gentleman from New York, in his capacity as chairman of the Committee on Education and Labor in the 89th Congress, falsely certified for payment from public funds—and read that in its entirety into the RECORD.

Then read finding No. 9—the gentleman from New York [Mr. POWELL], as chairman of the Committee on Education and Labor, made false reports.

I wonder if the gentleman would ask the Speaker of the House at this point to permit the insertion into the RECORD in its entirety the nine findings that are included on pages 31 and 32 of this report.

Mr. CELLER. I shall include those in my remarks.

Mr. LENNON. Now, if the gentleman will yield for a question: How can you say to me, my distinguished friend, that the Members of the House, in conscience and in morality, can say to the world and to the people of America, that the gentleman from New York should be seated?

Mr. CELLER. Is this a speech or is the gentleman asking a question? Would the gentleman try to state his question briefly, as we are very pressed for time.

Mr. LENNON. How can we say in conscience to the people of America, when this distinguished committee finds the gentleman from New York [Mr. POWELL], both in his individual capacity as a Member and as chairman of a great committee, has willfully and wrongfully and falsely misappropriated public funds to his own personal use—and the gentleman knows that that is almost identical language that is sent to a grand jury on a bill of indictment for embezzlement. Just how can we vote to do it, my friend, in conscience and morality?

Mr. CELLER. The report speaks for itself. The report went into all those facts to which the gentleman has adverted, and we came to the conclusion and stated our findings in the report that we feel the censure and the punishment that we would mete out to Mr. POWELL would be ample and sufficient.

Mr. LENNON. I thank the gentleman for his answer. But I cannot agree with it. I cannot and will not vote to seat him.

The SPEAKER The gentleman from New York has consumed 20 minutes. The Chair recognizes the gentleman from West Virginia.

Mr. MOORE. Mr. Speaker, I yield myself so much time as I may consume.

The SPEAKER. The gentleman is recognized.

Mr. MOORE. Mr. Speaker, my colleagues of the House, in the 180 years that this great parliamentary body has met there have been only 17 occasions in which we have previously met to consider the censure of one of our Members and, indeed, in which censure has been the order of the House. There have been three times that we have met in that 180 years in which the House considered and did expel three of its Members.

This is truly an occasion of history, but indeed it is a sad occasion when we must again review the record that been presented to us under this resolution and report to the House. I believe it should be understood by all, regardless of how easy it may feel or how easy it may look, that it is not easy, by any stretch of the imagination, to sit in judgment on one's colleague. The action which is recommended by the select committee, it should be understood by all, is unprecedented in the annals of the House of Representatives.

True, it rises out of the unprecedented conduct by a Congressman who served also as the chairman of one of our most important committees, the Committee on Education and Labor.

The select committee in this case, in reviewing all the matters, found that this Member-elect brought this House of Representatives into great disrespect by his behavior toward the courts of our land and toward two committees of the Congress.

We also found, and we have submitted in our report to you our belief, that he has violated the trust that has been placed in him or was placed in him as a Congressman and as a chairman by appropriating for his own use certain public funds.

In such a case the committee has sought to make the punishment commensurate with the misconduct and still to take into consideration the rights of a constituency of this Nation of ours to have the Representative of its choice.

I think it should be said here, and perhaps it need not even be stated, every member of this select committee has conscientiously tried to come to a just decision on this matter, and I hope that this House, which must make the ultimate decision, will do so also. We acted as a grand jury. We have brought in the results of our findings, and you, each one of you, as a Member of this House, occupies the position of a juror. The ultimate decision and the fate of our recommendations rests in your hands.

I should like to mention the attitude of all the members of the select committee that I was privileged to serve with in this instance, including certainly, with a maximum amount of expression of love, affection, and appreciation for his tremendous talents, the gentleman from New York [Mr. CELLER]. This, indeed, was a refreshing experience, and I believe it would be fair to say, as one Member, it reinforces my faith in the House of Representatives.

The staff selected by us acted superbly and untiringly.

The recommendations represent a consensus position, reached after long and weighty deliberation involving considerations of the greatest magnitude. Still it should be emphasized that at no time was this matter dealt with in a partisan way. We never considered ADAM POWELL as an American Negro. We never considered ADAM POWELL as a former Member or a Member-elect of this Congress. We never considered ADAM POWELL as a minister of the Gospel. We never gave consideration to ADAM CLAYTON POWELL, the man.

Rather, the issue which was thrust at us in the erecting of a special committee was to detemine and report back to the House of Representatives on the conduct of a Member-elect who had presented himself, as we all did, on January 10, with the appropriate credentials for being sworn in as a Member of this body.

I took the assignment as a member of this select committee with no strings attached to me. When I was asked to serve, nobody asked what result I would bring back. I believe there was an element of trust on January 10 that in the wisdom of the Speaker and the minority leader those who were ultimately to be named to serve on this highly difficult assignment would do the best job they possibly could, resisting certainly all of the pressures of the times.

I believe it is fair to say that every member of this committee—and I do not draw any deeper inflection or less inflection in the tone of my voice when I say this—approached this assignment with that same devotion and same attitude.

There are those who believe, as the chairman has indicated, that we should have excluded this Member-elect from our midst, that there was more than an adequate amount of information that we had put together that would merit such a position and such a recommendation.

But if we only read that which is presently on our desks concerning a matter of this grave consequence, and if we were not charged—as we were—by this House of Representatives with the responsibility of how others of our numbers decided on a same set or a similar set of facts at an earlier time, perhaps it would have been easy for us to have come and recommended that the Member-elect be excluded.

Likewise it is suggested that we should have come in with a motion that we expel the Member-elect appropriately applying the two-thirds criteria of the Constitution. In the same vein had we only read that which for the moment was on our desks and based our decisions upon that, the decision would have been relatively easy.

But you, my fellow Members, charged each one of us with the responsibility of going back 180 years and finding out what this House of Representatives, what this great legislative body, had done and considering certainly what the other body had done on matters of similar grave importance.

It is after a thorough and complete study of the precedents of the House in these particular matters, of the long numbers of cases that have been referred to, that we feel we have come to this House with a resolution which involves, in perhaps its harshest terms, more punishment than has ever been dealt to any single Member of the House of Representatives in the history of our Nation.

Some Members may be quick to rise and say, "But there have been other instances in which individuals for far less indiscretion and far less misconduct have been excluded or expelled."

I only say to those Members that a clear reading of the cases will show that some third force always intervened. When the Member was charged with either a willful misappropriation of funds or with any one of a number of different types of misbehavior in the realm of dishonesty—which are here in this report today—a third force always intervened. In some instances the individual Member either resigned or the matter was never put to the conscience of the House of Representatives.

I believe those in this House who talk

in terms of the ethics of the U.S. Congress should read the recommendations of this select committee.

It had been the hope that we could come before the House and say we truly had established for the first time some enumerated ethics which would call upon every Member of this House to live up to them or bear dire consequences.

We have asked in this resolution that the House of Representatives make a study in depth to determine whether or not the existing procedural and substantive rules are adequate in cases involving charges of breach of public trust which have been lodged against any Member.

And in the next point, in order that we might clear the air, we have asked that the Committee on House Administration, which is currently undertaking a revision of its auditing procedures, be directed by the House to file an annual report of its audit of the expenditures of every one of the committees of this House of Representatives, and of the clerk-hire payroll of every one of its Members.

There is an abundance of beginning in the field of ethics in this report.

If Members lay it aside and torture their consciences that we have not done enough to punish the Member-elect from the State of New York, I would only take a moment to say that in their desire to mete out the maximum punishment, if there is anything greater—I do not say this with any sense of levity or trying to be humorous—if there is any greater punishment and humiliation than that which we have meted out to him, if they desire to approach the problem of expulsion or exclusion, they could very well be on a collision course with courts of this land. Some would care not to have such a circumstance present itself.

But the fact that must visit with us here today is: Do we want to handle the problems of this Member-elect from the 18th Congressional District of New York on the wisest and most permanent course, or do we as Members want to be continually harassed over the next number of years determining whether or not we are right in the procedures and determination that we make, or whether the courts of the land may have a superior thought?

It is my fond hope, Mr. Speaker, that the Members of this House will fully understand that truly this resolution is the annihilation of a Member of this House by total humiliation. In the event of its adoption the only thing that a Member-elect from the State of New York will have in this House is a key to an appropriate suite in some one of the several office buildings and that beyond that it will be up to him to regain the faith of the membership here.

If we turn him out, his constituency will turn him back with an even greater majority.

For those who seek to impress what in their own minds is the far harsher treatment of excluding him or expelling him I say, "In your haste to do it, you may be defeated in the very purpose which you desire to accomplish."

If we lose this opportunity in this resolution, subsequent matters brought before the House for our consideration will present us with far graver decisions, as Members of this body, than this resolution presently presents for our consideration.

Mr. Speaker, I recommend to this body the adoption of the recommendations of the committee appointed under the resolution, House Resolution 1.

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

Mr. MOORE. I would be happy to yield.

Mr. ADAIR. Mr. Speaker, I wonder if the gentleman would give us his opinion, if the recommendations of the committee are adopted, as to the possible situation in which the subject of this resolution were to fail to be sworn in and/or refuse to present himself for the censure as provided in the resolution. What would happen and what would be the status of the individual?

Mr. MOORE. With respect to the question asked, under the terms of the resolution, in the event the Member did not take the oath as is envisioned in the resolution, on or before the date which is therein specified, which is March 13, 1967, the Speaker is obligated to inform the Governor of the State of New York that a vacancy occurs in the 18th Congressional District in order that an election might then be held.

Mr. ADAIR. Would the gentleman give that answer, if the subject of the resolution had been sworn in and had advanced and had taken the oath?

Mr. MOORE. In the event the individual submitted himself to take the oath, then did not follow through with presenting himself for censure and did not follow through with the other matters set forth in this resolution—I am certain then a resolution of expulsion would be in order.

Mr. ADAIR. If the gentleman will yield further, would it be the intent of the gentleman that it should then be the action of the House that expulsion should be considered if the gentleman about whom we are speaking here should fail to present himself for the censure?

Mr. MOORE. It is my intention that such a resolution would be in order and it would have my support.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I will be very happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. In further answer to the question raised by the gentleman from Indiana, I think it is appropriate to read the second paragraph in the resolution on page 34 of the report. A reading of that paragraph, I think, I would say to the gentleman from Indiana, clearly indicates what would happen. Let me read it to the membership:

Now, therefore be it resolved, That upon taking the oath as a Member of the 90th Congress the said Adam Clayton Powell be brought to the bar of the House in the custody of the Sergeant-at-Arms of the House to be there publicly censured by the Speaker in the name of the House.

It is my impression that if the resolution is approved, and if Mr. POWELL appears, that he would be brought down the center aisle to the well of the House in the custody of what amounts to the law-enforcing officer of the House of Representatives. He would be in his custody, and would not be released until—and let me finish up the final part of the paragraph—"and be there publicly censured by the Speaker in the name of the House." He would not be released from the custody of the Sergeant-at-Arms until the full treatment had been accorded to him under this particular paragraph.

Mr. MOORE. May I say to the gentleman that is the very reason for the language. The question was anticipated. That is the reason for the language being in the resolution in the way it is.

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

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

Mr. CELLER. In addition, if it took place after the gentleman had taken the oath of office and he deliberately left the Chamber so that he could avoid the censure, the Speaker could order his arrest so that he could be brought to the Chamber for censure.

Mr. MOORE. Absolutely.

Mr. ADAIR. Mr. Speaker, will the distinguished gentleman from West Virginia yield further?

Mr. MOORE. Yes, I am delighted to yield further to the gentleman from Indiana.

Mr. ADAIR. Mr. Speaker, in view of the statement which has just been made by the distinguished gentleman from New York [Mr. CELLER], then a motion for expulsion would immediately lie and would, of course, require a two-thirds vote?

Mr. MOORE. The motion would immediately lie and would, as the gentleman has said, require a two-thirds vote.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. LONG] for the purpose of debate only.

Mr. LONG of Maryland. Mr. Speaker, I urge my colleagues to vote down the previous question, so that I may be recognized later to offer an amendment to exclude Mr. POWELL from the House of Representatives before he is sworn in.

My reasons for denying Mr. POWELL a seat are these:

First, he has shown himself to be unworthy of membership.

Second, the fine is insufficient, it would be paid in full only if he were reelected in 1968; and it could be invalidated by the courts.

Third, if there is a possibility of a prison verdict, it is important to the honor of this House that he not be a Congressman at the time.

Fourth, any responsibility for returning Mr. POWELL to his seat should rest on his constituents and the House should not assume in advance that they will not live up to that responsibility.

If we have the moral obligation to exclude Mr. POWELL, do we have the constitutional right?

The Constitution says that—

No person shall be a Representative who shall not have attained the age of 25 years, and been seven years a citizen of the United

States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen.

In the language of mathematics, these are necessary but not sufficient conditions. They say a man must meet these conditions to be seated, but they do not say that he must be seated if he does meet them.

In four major cases, the House of Representatives did in fact decide that it could exclude a Member-elect for reasons other than the constitutionally-cited limitations.

No court has ever considered or reversed any of these decisions of the House.

Two strong doctrines, in fact, militate against such court consideration.

First, is the doctrine of separation of powers; the Constitution provides that each House shall be the judge of the elections, returns, and qualifications of its Members.

Second is the political questions doctrine. The courts will not handle questions inherently in the power of other coordinate branches at the same level of Government.

Mr. POWELL's conduct as stated in the resolution has disqualified him for membership in the House of Representatives, and this Chamber has both the duty and the constitutional right to exclude him from taking a seat.

I therefore urge you to vote down the previous question on Mr. CELLER's amendment.

Mr. MOORE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Speaker and friends of the House, of course it is impossible to discuss this issue in the matter of 4 or 5 minutes, or even 10.

Mr. Speaker, I agree with the eminent chairman of this select committee, the gentleman from New York [Mr. CELLER], when the gentleman said that this is a "solemn conclave."

Ladies and gentleman, we are not deciding the fate of one ADAM CLAYTON POWELL. Indeed, we are deciding the fate of this House of Representatives.

Mr. Speaker, the Constitution of the United States states that we have the responsibility to determine the qualifications of our membership.

Mr. Speaker, the question is, do we face up to that responsibility, or do we not?

The guilt or innocence has been decided by the people of this Nation.

The public knows that POWELL is guilty; the public knows that he is a fugitive from justice. The public knows that he has flaunted and flouted the courts of the great State of New York. The public knows that he is charged with defrauding the taxpayers of the United States of America. The public knows that he had the responsibility as a Member of this body to conduct himself in such manner as to reflect credit both upon this body and the people of this country. The public knows that he is not on trial; but, no, you and I are on trial. The public wants to know whether or not we condone this type of conduct and whether or not we want a man such as ADAM CLAYTON POWELL, charged with criminal acts, to sit in this august body.

Mr. Speaker, I agree with the membership of this select committee when it says that they had a difficult assignment.

I cherish the friendship of each one; I applaud them as able legislators and as able lawyers.

Let me say this to you: Some may think they had a difficult decision to make, and they did, but yours and mine is doubly difficult. We have ultimately the responsibility of deciding this issue, and also we have the added difficulty of opposing our friends in their unanimous decision insofar as this committee is concerned.

Mr. Speaker, much has been said here about "annihilation by humiliation." We cannot believe POWELL can be humiliated. Is there a humiliating bone in the body of the man under discussion? Has he displayed any repentance or given any indication that he is regretful? Why, even at this moment, Mr. Speaker, as we are debating this agonizing and difficult issue, where all of us are on the spot, where is ADAM CLAYTON POWELL? As far as I know he is down in Bimini with a glass in one hand and a woman in the other. Can you think a man so calloused to his fate today be humiliated? Certainly none could logically contend that.

The Members know what the courts of New York said about this man being repentant in the position he is in there. There is no indication of regret, and there is no trace of repentance or retribution on his part. Can we believe that we can humiliate him by bringing him down into this House and letting him receive a censure? To you and to me it would be important, but to him, he has already thumbed his nose at this House and told us we are a bunch of hypocrits. He has said, in effect, "I care nothing what you think about the situation. I am above the law. I am above the Congress."

If you pass this resolution you are going to be telling the American people that we have no qualifications for membership in this body; that there are only three requirements about which we are concerned and that is the matter of age, citizenship, and inhabitancy, not residence. We are telling the Nation that we are not concerned about other qualifications.

Mr. Speaker, I want to tell the Members that back there on January 10 this House regained some of the lost prestige and respect of the American people. Today I am fearful that today we are fixing to march back down the hill in our hour of shame.

You can rationalize all you wish to that in censuring POWELL you will annihilate him by humiliation, but the people of this Republic do not understand that. The only question they want to know is did you or did you not vote to seat POWELL, the fugitive from justice, the man accused of defrauding the people. As I say, you can rationalize all you wish, but the central issue is seating the man and that alone.

Mr. Speaker, the proponents say we must realize that we are going to fine him $40,000, a heavy punishment indeed. Ladies and gentlemen, to you and to me that would be a serious matter, but let me tell you we would be doing him a favor if we fine him $40,000. For the rest of the days of this session we will be having this man running around organizing a national committee to pay for POWELL's loss of salary, accusing us of working him without pay. He will raise $100,000, on the plea that you and I refuse to pay him. He will make more from that than he will from his record, "Keep the Faith, Baby."

Mr. Speaker, let me say to you that it is our reputations which are at stake, and not the reputation of ADAM CLAYTON POWELL.

The SPEAKER. The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. STRATTON], for purposes of debate only.

Mr. STRATTON. Mr. Speaker, it is not easy for a Member from New York State to oppose the recommendation of the distinguished select committee, or of the distinguished dean of our delegation, the beloved gentleman from New York [Mr. CELLER]. But in all conscience, as one Member of this body, I am not happy with the recommendation that has come out of this committee. I feel that it needs to be amended in one important respect.

The committee has addressed itself to narrow constitutional grounds. I am not sure that I approve that position, but I think that, having limited ourselves to those narrow constitutional grounds, there is still one important point which the select committee has failed to examine carefully, and that is the continued defiance of the gentleman from New York [Mr. POWELL] in choosing to disregard the orders of the courts of New York State. In fact, this was the real issue that first brought his case before this body.

Mr. Speaker, let us not forget that his defiance of the courts was based upon his membership in this House. As a part of his defiance he has deliberately and intentionally for some months removed himself physically from the State of New York, so that he would not have to conform with the rulings and decrees of its courts. By thus removing himself, I believe, a very grave cloud has been raised over the question of his inhabitancy, one of the basic constitutional qualifications for membership in this House.

Now we are told that we should not act on this matter of inhabitancy because the nine men on the Supreme Court might make a different decision on it, and we are also told that perhaps the courts of New York State might make a different decision on inhabitancy. But, Mr. Speaker, the Constitution of the United States says clearly that we in this House shall be the judge of inhabitancy, and I believe that we have a responsibility to insist that until the gentleman from New York has removed this cloud over the matter of his inhabitancy, and has demonstrated that he can go back into the State and district which he seeks to represent—and he

can go back only by purging himself of contempt of court in New York—we ought not to seat him in this House.

I refer the Members of this House to the committee's own report. On page 24 is the text of the most relevant House precedent on the matter of inhabitancy. It comes from the Beck case report, handled in 1928 in the 70th Congress:

> He must have and occupy a place of abode within the particular State in which he claims inhabitancy, and that he must have openly and avowedly by act and by word subjected himself to the duties and responsibilities of a member of the body politic of that particular State.

Surely, Mr. Speaker, obeying the orders of the courts is one of the duties and responsibilities of a Member from New York State. Yet Mr. Powell has openly and avowedly by act and word defied this duty and has deliberately moved out of New York State to avoid his responsibility.

Therefore, I propose that if the previous question is voted down, as I hope it will be, to offer an amendment to this resolution, that the oath shall not be administered to Mr. POWELL until he has first purged himself of all contempt and thereby made it clear that he is an inhabitant of the State of New York within the meaning of the precedents of this House.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Speaker, I yield myself 2 minutes to reply to the gentleman from New York who has just spoken.

Mr. Speaker, the committee gave the matter of inhabitancy most careful and exhaustive study.

You will find a mature discussion of the matter on pages 22 to 24 of its report.

Our study indicates that the term "inhabitant" was substituted for the term "resident" by the framers of the constitution in order to avoid the problems of technical construction.

The committee's record in these proceedings show that the Member-elect, Mr. POWELL, is a qualified elector in the State of New York.

That he has filed New York State income tax returns for the years 1962 to 1965 and a declaration of estimated personal income tax for the year 1966; and that he retains an apartment residence in New York City for which he pays rent and utilities.

He was pastor of a New York church and is presently pastor emeritus of that church.

Applying established criteria to the facts in this case, the committee concluded that Mr. POWELL was an inhabitant of the State of New York on the day of his election within the spirit of the constitution.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me on that very point?

Is it not true that the committee's investigation indicated that the gentleman from New York [Mr. POWELL] did not vote in person on November 8, but voted by absentee ballot?

Mr. CELLER. It did, but that does not militate against being an inhabitant of the State.

Mr. STRATTON. Did the committee's inquiry not also elicit evidence that he could not remember clearly the last time he was in New York State? Does not the committee's own report on page 24, quoting the precedents of the House, indicate that inhabitancy depends not only on occupying a place of abode within the particular State in which he claims inhabitancy, but "that he must have openly and avowedly by act and word subjected himself to the duties and responsibilities of a Member of the body politic of that State"?

Mr. CELLER. That is correct. The cases and the precedents uphold that there are many indicia which indicate inhabitancy. In this case they support the conclusion of the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE. Mr. Speaker, I yield 4 minutes for purposes of debate to the gentleman from California [Mr. TEAGUE], a member of the committee.

Mr. TEAGUE of California. Mr. Speaker, several Members on both sides of the aisle have told me within the last few days that they are satisfied that the recommendations of the select committee are sound and should be adopted but they were afraid that they could not vote to do so. They said that their mail was 100 to 1 to "throw the rascal out" and that under this kind of pressure, it would be most difficult for them to vote to seat ADAM CLAYTON POWELL even with the severe punishment we have suggested.

I am not now speaking to those who sincerely believe that we took the wrong course. Rather, I am appealing to those who believe that we were right but find it politically embarrassing to support us.

I am sure that we have all read John F. Kennedy's book "Profiles in Courage." Perhaps some small amount of courage might be required to vote to seat, censure, and punish Mr. POWELL, but I suggest not much.

I am convinced that all of us who believe that the select committee came up with the best, the toughest, and the most permanent solution to a most difficult problem can convince the American people of that fact. We are all good salesmen or we would not be sitting here in the House of Representatives.

I believe that substantial majority of the American people will support us when we explain to them:

First. That there are serious problems of constitutional law involved in this whole matter. If we refuse to seat Mr. POWELL, this case could well be in the courts for years.

Second. That if we do not seat Mr. POWELL, even assuming that the courts might eventually decide we had that right, we might well be establishing a very dangerous precedent. Should we add to the qualification of age, citizenship, and residency? Should we tell the voters of any congressional district that they cannot send anyone here to represent them, no matter what his character may be, as long as he is duly elected? We might not like a Congressman or Congresswoman's religious, political views, race, or general morals, but in a representative form of government is it wise for us to overrule, by a simple majority, the will of the voters in any congressional district, not just those of the New York district with which we are today concerned?

Third. That what we propose is severe, tough, and practical, and is less likely to result in long drawn out court battle than other courses would.

Fourth. That persons who have been critical of our courts for too loosely interpreting the U.S. Constitution should be gratified that in this case our recommendations entail a strict, rather than loose, interpretation of what the Constitution says.

Fifth. That we are by no means just slapping ADAM CLAYTON POWELL'S wrist. We should explain to our citizens just how humiliating censure and loss of seniority really is.

Sixth. That your committee has turned important information over to the Department of Justice. This could well result in criminal action as well as civil suits. Mr. POWELL will not be anywhere near out of the woods even though the House, as I hope it will, supports your committee.

The SPEAKER. The gentleman from New York.

Mr. CELLER. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Speaker, service on the ad hoc committee has been difficult, and in some ways distasteful. My colleague, the gentleman from Indiana [Mr. JACOBS], very accurately stated that:

> It is unpleasant to sit in judgment of one's colleague.

But in the broader sense it was an interesting, challenging and reassuring experience for me. Each of us was acutely aware of the gravity of the situation. To assume responsibility for recommending to this House, action in a case of the highest importance, a case with few—and I suggest to you—poor precedents; a case in which basic constitutional issues are at stake, and a case which is surrounded and shot through with emotion, passion, and prejudice, is to assume a monumental task.

Very rightly, the House gave us a short time in which to reach our decision and make a recommendation to this body. Within this time framework, we conducted as thorough an investigation as the circumstances permitted. Additionally, our job was made substantially easier by the thoroughness and objectivity of the Hays committee investigations last fall. Although our time was short, we had adequate evidence of the nature and scope of the misconduct of ADAM CLAYTON POWELL to satisfy us in arriving at our decision.

Our second step was to review carefully the applicable constitutional law, to explore in some depth every possible recommendation available to us, testing each of them against the Constitution, disposing of those we concluded were outside the range of our authority, and searching for a fair, efficacious recommendation within our authority. One of the most significant results of this process was the consensus which developed among the nine of us.

The reward to me in serving on this committee was that, having been forced to review carefully our constitutional form of government and the condition of this House at this point in our history, I found renewed and greater confidence in and respect for both. For 5 weeks I heard about and thought about the shameful, inexcusable misconduct of a colleague who turned great talent for good into an object of shame and embarrassment because of his incapacity for self-discipline and trust. But, I also saw that this House has both the ability and the integrity to expose and discipline one of its Members for such conduct. And we have, I believe, the intellectual honesty and political integrity necessary to stay within the confines of our constitutional limitations and overcome the pressures and prejudices that are in conflict with that position.

Our committee brings you a recommendation which does four things. First, it stays within a strict interpretation of the Constitution itself. I urge each Member to consider carefully the words that control this case. The Constitution says that we are sole judges of the qualifications of our Members, but the document specifies what those qualifications must be. They are age, citizenship, and inhabitancy. The word qualification was not haphazardly selected by the Founding Fathers. They did not mean fitness or acceptability, and we are not recommending that ADAM CLAYTON POWELL is found to be either of those two things. We do say that he is qualified to be a Member of this House as that word "qualified" is given meaning by the Constitution. For those who question whether the House could survive under such a strict interpretation, I would suggest to you that it has nicely for nearly 200 years, because the Founding Fathers and all of those who have lived under this Constitution since that time have accepted the fact that the people themselves are capable of self-government. They are capable of making the decision as to who is fit to be their Congressman. Now, as working politicians, we would all agree that the people frequently make decisions with which we disagree, though I assume all of us here feel that our own districts made wise decisions on November 8, 1966. But the point is, that our system is safe and secure because there is no appellate authority above the decision of the people themselves. The men who wrote the Constitution thought the system would work, history has proven that it does work, and we today have an opportunity for a vote of confidence of that system—a vote which regrettably, must take place on a complex and an unpleasant set of circumstances. The second thing this committee's recommendation does is confirm our faith in the capacity for self-government of the American people.

The logical question follows, if we conclude that we must live with the decision of the voters in each district, can we protect ourselves when we feel those decisions are wrong? Has the institution of the House become so complex that we cannot live with the decision of the voters of the 18th District of New York; are we so exposed in our moral stability that we must say to them, "We cannot accept ADAM CLAYTON POWELL because he would corrupt our House and destroy the faith of the American people in our institution."

I say to you, that these propositions are false and absurd. So long as this House is composed in large measure of men of honesty and integrity, then a lack of it on the part of one constitutes no danger, and I suggest to you that should this House ever be composed of a majority of dishonest men, there would be no hope for its survival nor the survival of our system of self-government.

The third thing our recommendation does is protect the integrity of the House.

And lastly, I would address myself to those who question the fairness to ADAM CLAYTON POWELL of our recommendations. Each Member should be aware of the fact that if our recommendations are adopted they set a new precedent for punishment of a Member of this body. No Member has ever been expelled from this body except for bearing arms against his country. No Member has ever been punished before except by censure. It was the consensus of your committee that the conduct of ADAM CLAYTON POWELL warranted substantially more than censure, although it certainly warranted that too. We felt the punishment should do two things: first, it must be sufficiently severe to stand as a historic warning against future misconduct; second, it ought to retrieve for the American taxpayers, at least in substantial proportions, funds which were misappropriated; and third—and I think of great importance—it ought to leave the door open for redemption. ADAM CLAYTON POWELL has unquestionably contributed to good legislation in the past 6 years. The committee recommends that he be given the opportunity to do that in the future, but we clearly and carefully deny him any opportunity to pursue the dishonest and disgraceful conduct which was the genesis of today's action.

I fully recognize that each Member is sorely troubled by the decision which he must make today. Those of us on the committee have necessarily given more thought and more study to the matter than some have been able to do, and yet, we all share equally the burden of fair and final decision. Little of what we do in this House is easy, yet, nothing is more difficult and nothing is more important to this House as an institution and to our form of self-government than the decision which we must make today.

I respectfully urge each Member to support the committee's recommendation.

Mr. BURTON of California. Mr. Speaker, I would like to commend my distinguished colleague from California [Mr. CORMAN] for the diligent manner in which he discharged a most difficult task as a member of the select committee created pursuant to House Resolution 1. However, some aspects of the committee's findings trouble me.

Although the powers of the House are virtually plenary in disciplining its Members, its authority with reference to the seating of a Member is severely limited by the clear mandate of the Constitution.

It is the integrity of the House in this instance, not the integrity of the gentleman from New York, which history will judge. It is the constitutional right of the people of any district to select in free and fair elections the person of their choosing to represent them in Congress which we must safeguard.

Mr. Speaker, apart from this very serious challenge to the basic democratic institution of representative government, I am further deeply troubled that we would invite a confrontation between the judicial and legislative branches of our Government.

In my view, the Supreme Court would have to rule that the gentleman was an inhabitant of the State of New York and duly elected by his constituency to represent them in the House and that the Court would order seating him if this House should ill-advisedly fail to do so.

Precipitous action by the House not only invites two of the three branches of Government to pursue a collision course, but in so doing would further invite ill-advised attempts to limit the role of the Supreme Court in interpreting the Constitution.

Mr. Speaker, few men in our history have been publicly censured. In addition, for the first time, this House seeks to impose a fine coupled with censure on one of its Members. The action in the Democratic caucus, in reference to his chairmanship, was a most stinging rebuke, and to attempt to strip the gentleman from New York of his seniority, only adds insult to injury.

I repeat, Mr. Speaker, it is the integrity of this House, and an abiding concern for the Constitution which we have sworn to uphold which must guide our course today.

Mr. CELLER. Mr. Speaker, I yield 3 additional minutes to the gentleman from California, so that we may have a colloquy on the matter of exclusion and expulsion.

The SPEAKER. The gentleman from California is recognized for 3 additional minutes.

Mr. CELLER. On the matter of exclusion, as I understand it—and I should like to get the gentleman's view—the Constitution provides that there shall be three qualifications—namely, age, citizenship, and inhabitancy—and that the Congress cannot add to those qualifications.

That has been borne out by the articles of Madison and Hamilton in the Federalist, and borne out by the decision in the Bond case recently decided by the Supreme Court. Am I correct in that?

Mr. CORMAN. The gentleman is correct. In our review we noted that at the time of the debate on this provision by the Convention there was consideration as to whether or not the qualification of property ownership ought to be included. The Founding Fathers were very explicit that the sole qualifications should be the three specified in the Constitution. They rejected additions at that time.

Mr. CELLER. These qualifications are set forth explicitly in the Constitution. And if Congress had a right to add to those qualifications then conceivably Congress could prescribe a qualification

based, for example, on religion. Am I correct in that?

Mr. CORMAN. Yes, sir; the chairman is correct.

Mr. CELLER. There could conceivably be a situation arise in which the majority Members of the Congress could by some device exclude the entire minority membership. Am I correct in that?

Mr. CORMAN. Yes, sir.

Mr. CELLER. And that led Hamilton to agree with Madison that:

> The qualifications of the person who may choose or be chosen are defined and fixed in the Constitution; and are unalterable by the Legislature. (The Federalist, No. 60.)

Now, as to expulsion, that, of course, is a very serious, very drastic sanction. Am I correct?

Mr. CORMAN. Yes, sir; Mr. Chairman.

Mr. CELLER. It is a sanction that has been very rarely imposed by the Congress, either the House or the Senate. Am I correct in that?

Mr. CORMAN. Yes, sir. My recollection of history is that it was used only a few times.

Mr. CELLER. And used only in the cases of the high crimes, such as those that arose out of the Civil War, when Members of Congress joined the Confederate forces and fought against the Union. Am I correct?

Mr. CORMAN. The gentleman from New York is correct.

Mr. CELLER. In all other cases where attempts were made to provide for the elimination of a Member from the House—expulsion—the resolution failed, or resulted in a censure or some other arrangement, which fell short of expulsion from the House. Am I correct in that?

Mr. CORMAN. The chairman is correct.

Mr. MOORE. Mr. Speaker, for the purpose of debate I yield 4 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I am rather pleased that this colloquy just preceded my remarks, because I take the floor to discuss the aspects of the power of Congress, which I believe is one of the basic issues involved, and my great fear that as a result of the committee report as well as some of this debate we are very seriously impairing the power of Congress.

Let me also say that I am disturbed that so much of the committee report and the debate has been around an issue of punishing a person rather than around the issue of the integrity of the Congress. The integrity of the Congress should be the issue. What is necessary to preserve the integrity of the Congress in respect to the qualifications of who should be Members? It sounds very strange to me to hear from certain people who have long recognized the various implied powers that exist in the Constitution—and I am among those who do recognize implied powers—words that indicate that all of a sudden they are forgetting all about this theory and are moving toward strict constitutional construction.

Let me suggest that when the Constitution provided that the Congress had the right to expel, it certainly implied that it has the right to exclude. In fact, look at the fiction that is gone through by some who would seat Mr. POWELL and then move to expel him almost immediately or to have him continue to step aside. The implication that the power to exclude exists in the power to expel is quite obvious.

I would add one caveat: The power to expel requires a two-thirds vote and, therefore, any power that comes as an implication therefrom would also require a two-thirds vote. Indeed I think that this is proper.

Let me go on to try to lay at rest the arguments that if you then open up this area of qualification, you will then get into such things as religion and political beliefs and so forth. This is a red herring, because, of course, there are other sections of the Constitution that would forbid any such qualifications based on this, but we are not talking about this in this case.

We have mentioned the cases with regard to expulsion having to do with treason, but we all recognize that this committee we appointed mainly to find the facts in our behalf on whether or not these charges made against Mr. POWELL were true. I did not want to expel him or exclude him on the basis of just a hearsay evidence guide. I wanted to see a forum created where he had an opportunity to be heard. We created this forum, and I want to commend the committee for its careful job in establishing these points. However, the points established constitute the gravamen of the offenses of felonies, embezzlement, and forgery and not to mention such things as scofflaw actions which are themselves serious matters. These kinds of crimes carry with them the deprivation of many aspects of citizenship.

Are we putting ourselves in the ridiculous position where we say we do not have the power to exclude or expel from the body designated to represent the people in deliberating and determining governmental decisions on a serious matter that goes to the heart and to the basis of any organized society; namely, that which has to do with, and I might mention one of the 10 commandments here; namely, the commandment that thou shalt not steal. I think we should be discussing what is necessary for this Congress to move forward to represent the people as ably and conscientiously as possible. It has to do with the kinds of qualifications all of us expect from all who sit with us. The negatives are very essential and basic things which are carefully spelled out in our criminal laws, and this would prevent any unreasonable use of the power of exclusion or expulsion.

I urge that we do vote down the previous question and support the motion for exclusion.

The SPEAKER. The time of the gentleman has expired.

The gentleman from West Virginia has 29 minutes remaining. The gentleman from New York has 22 minutes remaining.

The Chair recognizes the gentleman from West Virginia.

Mr. MOORE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, with regard to the observations that have been made concerning the fact that our recommendations and our findings indicate a man has stolen from the House of Representatives or committed acts which are commensurate with being a felon, may I make this one observation to the House: We did not feel that it was the province of the House to find a verdict of guilty of stealing. We have taken this complete record, with all of its innuendos and all of its rumors—and there are many of them in here—which this select committee was investigating and did experience difficulty in attempting to run down—we have sent this complete record to the Department of Justice for the express purpose of having them determine, in an adversary way, any amounts of money that have been diverted here willfully and in violation of the resolutions of the House and the law of the land.

In addition to that, we have asked them to inspect and to closely analyze the appropriate sections of title 18 of the United States Code. This is the title, Mr. Speaker, which deals with the violation of the criminal laws of the land.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. MOORE. Mr. Speaker, I yield myself 30 additional seconds.

Mr. Speaker, the question with respect to whether or not this Member-elect has stolen, converted funds to his own use, or has committed a felony, does not rest upon the House today.

Mr. Speaker, we anticipate and hope that the Department of Justice, as our report indicates, will expeditiously look into this matter, and if there has been a conversion of funds that there be a civil action instituted to recover the amount of funds involved.

And, Mr. Speaker, if there has been any violation of the criminal statutes the individual involved here is responsible for those acts; and, further, let the record show that we do not endorse or recommend the dropping of any such violations, by any stretch of the imagination.

Mr. CELLER. Mr. Speaker, I yield 5 minutes for the purpose of debate only to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker and my fellow colleagues, I am reminded of the story that has been told to me about a pastor who had the problem of a deacon sleeping in the front row. So, one morning during the sermon, when he noticed him nodding, he told his congregation—"Everyone who wants to go to heaven raise their hands." Everyone raised their hands with the exception of the nodding deacon.

And, Mr. Speaker, since that did not make the point, the pastor said in a very loud voice, "Everyone who wants to go to hell stand up." This deacon jumped to his feet, and blinking his eyes, noticed the rest of the congregation laughing and smiling. He looked

up to the pastor and he said, "You know, reverend, it looks like you and I are alone in the minority again."

So, Mr. Speaker, when I think of my distinguished colleague from the Southland who served with me on the select committee, and the positions that that gentleman and I took, I can turn to him and say, "It looks to me as if we are again in the minority."

Congressman PEPPER and I, though from different positions, were the two principal members of the select committee who had the most divergent views on what the committee's final recommendations should be. We often found ourselves both voting against a given proposal, though for contrary reasons. But we both were finally able to sign a unanimous committee report.

May I speak personally about the distinguished former Senator from Florida, our beloved colleague, CLAUDE PEPPER, because although we were on somewhat opposite sides in this matter, and nearly prevented a unanimous committee report, I think that I might attest to the integrity not only of Senator PEPPER, but of every member on this select committee, Republican and Democrat. I have never in my very brief career been so completely impressed by the complete absence of partisanship and racial considerations, in the select committee's deliberations which led to the report that is before this great House today.

There are a few things that some of us may have forgotten about Senator PEPPER. Difficult and controversial questions are nothing new to him. In 1929, when the first Negro Congressman to return to these floors since reconstruction days, was elected to the House, CLAUDE PEPPER objected in the Florida State Legislature to endorsing a resolution censuring President Hoover for inviting Congressman De Priest and his wife to the White House in 1929. And as a U.S. Senator he moved and supported the exclusion in 1946 of a U.S. Senator from Mississippi, the late Theodore Bilbo.

So, although we have disagreed rather drastically at times, I must honestly declare that I feel that the basis for his position was completely without any racial overtones whatsoever.

COMMITTEE'S CONDUCT WAS EXEMPLARY AND WITHOUT ANY RACIAL BIAS

Regarding my other distinguished colleagues, and our esteemed and beloved chairman, let me say here in the House what I have said to the press and at public meetings in my district. At no time during these 5 weeks of the committee's deliberations were racial considerations involved—neither for nor against Member-elect POWELL. I feel every member of the committee did everything within his power, to the extent humanly possible, to preclude such matters from having any effect.

APPEAL TO THE HOUSE FOR NONRACIAL AND NONPOLITICAL DECISION

My colleagues, I look forward to being able to make a similar statement, in my own district, that racial considerations were not a factor in today's deliberations and ultimate decision by the full House of Representatives.

I also recognize that this matter has aroused an incredible emotional and political furor throughout the country. I can personally testify to this fact, because in my own office I have countless items of correspondence from all over the country. I would even hazard the statement that the correspondence represents a majority of the congressional districts. Many of these communications are bitter and harsh. And some even include strong personal statements, not just about Member-elect POWELL, but some of them even include strong personal statements about myself. I am sure that my mail is but a very small sample of the mail received by all Members.

But regardless of the emotions involved, and regardless of the terrible political impact of this matter, I appeal to each of you to consider this matter exclusively on the constitutional and legal questions involved.

My colleagues, service on this committee was, in my humble estimation, no easy task, either professionally or politically for any of the members. When I accepted appointment to the committee, I resolved to put aside my personal feelings toward the Member-elect and also to put aside consideration of the political consequences of any particular decision. I resolved, that to the best of my ability, I would base my decisions solely on the Constitution, the law, the relevant precedents of the House, and the dictates of my own conscience. I come before you today in this same spirit, to outline to you my conclusions.

AWESOME RESPONSIBILITY

I feel that the matter before the House presents each of us with an awesome and special responsibility. This question involves the right of a duly elected Member-elect to take his seat in the House and the right of his constituents to be represented by the man of their own choice. These questions are of the highest constitutional importance.

All the possible steps that have been suggested in this case, whether censure, exclusion or expulsion, involve exercises of constitutional prerogatives that the House has exercised with the greatest care and reluctance. Censure has been voted only seventeen times in our history. The last motion of censure was in 1921 and no motion to censure has even been introduced since then. There have only been six Members-elect excluded for reasons other than contested elections or questions or disloyalty arising at the time of the Civil War. The last case of exclusion occurred in 1919, and in that case the House later seated the person as a result of a Supreme Court decision in the person's favor. In all our history only three Members have ever been expelled and all of those occurred as a result of accusations of treason at the time of the outbreak of the Civil War. Surely the vote each of us casts today will be one of the most important votes we will cast in our entire careers in Congress.

CONSTITUTION REQUIRES MEMBER-ELECT POWELL TO BE SEATED

The unainmous and very positive decision by the entire committee, after careful consideration, was that Member-elect POWELL possessed a valid election certificate from his State, that there was no dispute regarding the validity of his election, and that he fully satisfied the three enumerated constitutional requirements for membership in the House; namely, a minimum age of 25 years, U.S. citizenship, and inhabitancy of the State from which he was elected. The committee felt, quite definitely, that if those criteria were satisfied that the Constitution and the burden of the precedents allows the House no option but to seat such a duly qualified Member-elect.

The committee further considered the fact that Mr. POWELL's constituents were aware of the various allegations of misconduct made about him and that they had still reelected him overwhelmingly to his 12th term in the Congress. For us to override that decision would counter the high constitutional privilege of his constituents to be represented by the man of their own choice. In fact there is every indication that Mr. POWELL will be reelected continuously for the foreseeable future regardless of the House's action today.

WHY THE COMMITTEE REPORT WAS UNANIMOUS

The committee report was signed by all nine members of the select committee even though some of us disagreed with some of the report's findings and recommendations. I feel that the principal reason for this unanimity was the feeling on the part of all committee members that the major responsibility given us by the House was to report on "the right of ADAM CLAYTON POWELL to be sworn in as a Representative from the State of New York in the 90th Congress." This primary question is so important, and involves such basic constitutional considerations, that even those members of the committee who strongly object to certain other of the recommendations did not want the committee's position on this fundamental point to be muted or diffused in any way because not all of the members signed the report. I signed the committee report in order to contribute to the strongest and most definitive statement possible on the part of the committee, that ADAM POWELL must be seated.

MY DISAGREEMENTS WITH THE COMMITTEE REPORT

And so the committee report, my colleagues, was unanimous, but I alone filed additional views that I feel I should share with you very briefly.

I want to now outline my strong disagreement with some of the committee's procedures, findings, and recommendations. My present disagreements with certain aspects of the committee's work are exactly the same as those mentioned in the statement of "additional views" filed with the committee report. I place my statement at this point in the RECORD:

ADDITIONAL VIEWS OF HON. JOHN CONYERS, JR.

(Submitted with the report of the select committee regarding the right of ADAM CLAYTON POWELL to be seated)

(1) The question of the right of a Member-elect to be administered the oath and the responsibility of the House to punish its Members should be distinguished with great precision.

(2) Any Member or Member-elect and his counsel should be afforded the right to cross-examine all witnesses brought before this committee or any other committee inquiring into the qualifications, punishment, final right of a Member to be seated, or other related questions.

(3) In his appearance before this Select Committee, his declination to accept the invitation extended by the Hays subcommittee, and his conduct with reference to the litigation in the New York courts, Adam Clayton Powell, Member-elect, acted at all times upon advice of counsel. Therefore, it cannot accurately be held that his conduct impugned the dignity of Congress or was in disrespect of Congress.

(4) A review of all cases of alleged misconduct brought before the House and Senate indicates that punishment has never exceeded censure. There is no precedent for the removal of accumulated seniority combined with a monetary assessment, as is proposed in the instant case.

JOHN CONYERS, Jr.

ON THE PROCEDURES OF THE COMMITTEE: QUESTIONS OF SEATING AND PUNISHMENT FOR PAST CONDUCT SHOULD HAVE BEEN SEPARATED

I questioned the confusion of the two great constitutional questions of the right to have an oath administered when a Member-elect presents a certificate from the Secretary of State of New York who, incidentally, presented the chairman of this select committee with a certificate of election that was no more or less valid. And when we confuse the question of the right to punish and even to expel a Member for misbehavior with the right of the Member to be administered the oath, I think we create serious problems.

We should not merge in one proceeding, and in one resolution these two separate powers authorized by the Constitution. I fear that combining these two separate questions has clouded the issues further in the mind of the country and possibly even the House, and certainly confused the legal questions involved.

ON THE FINDINGS OF THE COMMITTEE: COMMITTEE IMPROPERLY FOUND MEMBER-ELECT POWELL GUILTY OF CONTEMPTUOUS BEHAVIOR

The committee report, in its findings of fact and law, erroneously, I feel, found Member-elect POWELL guilty of contumacious and contemptuous behavior in his conduct with reference to the litigation in the New York courts. In his refusal to accept the invitation extended by the Hays subcommittee and in his appearance before the select committee. At all times he was acting on the advice of counsel, and very distinguished counsel at that. In fact, Mr. POWELL was acting in accordance with precedents set by the last Member-elect whose right to be sworn in was challenged and referred to a special committee. Certainly, Mr. POWELL's conduct in strictly following the precedents and legal counsel cannot be judged as contemptuous of this lawmaking and precedent-following body. It certainly should not be used as one of the bases for imposing severe punishment upon him. In fact, using against Mr. POWELL his refusal to testify in a case brought against him, where he was advised by counsel that such testimony was not legally required, is clearly flying in the face of the fifth amendment guarantee that no man shall be required to testify against himself.

WHY IT WILL BE IMPOSSIBLE UNDER THE HOUSE RULES FOR ME TO OFFER MY AMENDMENT TO STRIKE THE LOSS OF SENIORITY AND THE FINE

My colleagues, I contacted each of you by letter yesterday morning informing you that I intended to offer an amendment this afternoon to House Resolution 278 striking out the sections imposing a fine and the monetary punishment. Unfortunately I will not be able to offer the amendment. Yesterday and this morning I have been doing research on the precedents of the House. I have also had consultations with the Parliamentarian. The result of this inquiry has been that there is just no way possible for me to get the floor to offer my amendment.

The simple fact of the matter is that if the previous question, to be demanded at the close of general debate, does not pass then the floor cedes to the Republican side of the aisle. Under the precedents of the House, when the previous question fails, the Speaker is to recognize those Members who led the opposition to the previous question. But among those who led the opposition he is to give precedence to Members of the minority. As we all know JOHN MCCORMACK has been a conscientious and zealous Speaker in his responsibility of protecting the rights of the minority. The precedents are correct and he is absolutely right in doing this.

However, if any Republican will have priority over me in gaining recognition then I know that I will never get the floor to offer my amendment. For that reason I will vote for the previous question. I surely do not want to help any of the suggested substitute resolutions which all would, in one way or another, exclude Mr. POWELL from the House. I am, therefore, reluctantly having to forgo the offering of my amendment and so will vote for the previous question. I urge everyone who agrees with me regarding the substantive matters I am discussing now to join with me in such a vote for the previous question.

ON THE RECOMMENDATIONS: STRONG OBJECTION TO LOSS OF SENIORITY AND THE FINE

However, I cannot allow, in good conscience, of imposing a monetary fine and loss of seniority, be allowed to go unmentioned.

Because, Mr. Speaker, never before have we had to consider the imposition of a monetary assessment on an individual. Never before has any Member of the Congress been stripped of his seniority in the course of such proceedings.

The severe punishment of a loss of all seniority and imposition of a $40,000 fine is, first, violative of our system of Government; second, contrary to constitutional rights of Mr. POWELL; third, subjects this matter to appeal in the Federal courts; and is, fourth, totally unprecedented.

VIOLATES OUR SYSTEM OF GOVERNMENT

Under our system of government the power to investigate and prosecute violations of the law is reserved to the executive. The power to determine guilt and pass sentence is reserved to the judiciary. Congress power in this matter extends only to determining whether the Member-elect is duly qualified, and, if, after being sworn he should be censured. Action beyond that to determine the extent of his violation of Federal law and to impose punishment is clearly beyond Congress power. Congress must be on constant vigil to insure that the other two branches of our Government do not encroach on our powers. At the same time we must act to protect our Constitution and our system of government, as we are required to do by our oaths, to insure that we do not usurp powers reserved for either the executive or the judiciary.

UNCONSTITUTIONAL FOR CONGRESS TO DETERMINE GUILT AND TO IMPOSE PUNISHMENT: OUR PROCEDURES NOT SET UP TO PROTECT DUE PROCESS

As a further illustration that Congress is not the proper body to investigate, judge and impose punishment for violations of law, I would point out that our procedures do not include the usual judicial requirements. Our committee combined within itself the functions of prosecutor, judge, and jury. The committee staff made investigations. The committee passed on motions regarding questions of procedure and law. And the committee issued findings relating to the facts of the case.

Though prior committees judging the right of a Member-elect to be sworn allowed the Member-elect to cross-examine witnesses against him, our committee, over my strong objections, unfortunately denied this usual right to the Member-elect. It was only after the Member-elect's procedural motions to gain something like a normal judicial procedure were overruled by majority vote of the committee that he decided not to testify beyond what he felt were the clear constitutional questions of his qualifications. All the other evidence against him by various witnesses was relied on without ever giving him a chance to cross-examine.

When we deny any Member, or Member-elect, the full right to cross-examine any and all witnesses, to be allowed the provisions of due process that are guaranteed in the Bill of Rights and in the 14th amendment to the Constitution—and I surely do not believe that was meant to exclude Members of Congress—I believe everybody has the right not to be deprived of life, liberty or property without due process of law.

I think these are questions that have been properly raised, not only by the American Civil Liberties Union, by the National Bar Association, and by lawyers and students of constitutional law across this country—questions which disturb us very deeply.

POSSIBILITY OF DOUBLE JEOPARDY MIGHT CAUSE THIS WHOLE MATTER TO RESULT IN INTERMINABLE LITIGATION IN THE COURTS

If the House votes a monetary fine on Mr. POWELL he then might be able to enter Federal court and seek an injunction to forestall the fine from being levied on the claim that it would involve double jeopardy. He could very appropriately claim he is subject to prosecution for the same offense in the Federal courts and that for him to be subject to punishment by the House, even though the fine

would be credited against his indebtedness, would still mean he could be subjected to double jeopardy for the same offense.

I doubt if many Members of the House want to open up a Pandora's box which can bring the Congress into direct conflict with the judiciary and that might also tie this matter up interminably in the Federal courts.

FINE AND LOSS OF SENIORITY COMPLETELY UNPRECEDENTED

A fine and a loss of seniority is a completely unprecedented procedure for the House to use in punishing a Member. There is simply no precedent whatsoever for the House to punish its Members other than by censuring or expelling. My colleagues will note that the committee report, in discussing this point on page 29, makes no mention of any precedent. The report merely states a dictum, an opinion of its own, and then gives reasons why that position should be considered valid. The only precedent cited is from the Senate where the punishment beyond censure was a suspension of a Member for 6 days, in other words a temporary expulsion. Even that suspension was strongly dissented to by one-third of the Senate committee involved.

NO EXTRAORDINARY CIRCUMSTANCES IN THIS CASE WHICH REQUIRE EXTRAORDINARY PUNISHMENT

There are no extraordinary circumstances in this case which require unusual punishment. Let me review what I consider to be the two relevant sets of precedents.

First. Five cases of censure in history of Congress involving monetary offenses. Censure has been imposed only five times in the history of the Congress for financial misconduct. Two of the Members were censured for offering bribes to influence other Members' votes on legislation. The three other Members had accepted bribes in return for making appointments to the military academies. In none of the five cases was punishment imposed beyond that of censure. In the entire history of the House no punishment beyond censure or expulsion has ever been imposed on a Member for any type of offense, financial or otherwise.

Second. Examples of financial misconduct by Members regarding misuse of funds in their capacities as Congressmen which were never punished nor even recognized by the House. No motion of censure regarding financial matters has been carried since 1873. No motion of censure, whatever the offense, has been passed or even offered since 1921. But I regretfully must point out that this is not because Members of Congress have not been found to be guilty of financial irregularities directly connected with their roles as Congressmen.

And, Mr. Speaker, I am going to put in the RECORD five cases of censure in the history of the Congress involving monetary offenses in which the Member was not fined by Congress.

Instead, in all of these cases the House never even took official cognizance of the Members' conduct. The House took what I consider to be a very sound legal position. Each of these cases was pending before the courts and they left it to the courts to find the Members guilty and sentence them.

Most of those cases were disposed of by his own electorate.

In each case the Member was not reelected to a subsequent term.

First. Representative J. Parnell Thomas, of New Jersey: Convicted of misuse of his clerk-hire allowance in the House of Representatives; specifically payroll padding and receiving of kickbacks from his employees. While a Member of Congress he was indicted, pleaded nolo contendere, and was sentenced to the penitentiary and fined. I would point out that Mr. Thomas was chairman of a committee of the House; namely, the Un-American Activities Committee.

Second. Walter Brehm, of Ohio: Convicted of five counts of accepting campaign contributions from his office clerks in direct violation of the law and received suspended sentence and fine while still a Member—all while still a Member of the House.

Third. James Michael Curley, of Massachusetts: Convicted in January 1946 of use of the mail to defraud. Sentenced to 5 months in the penitentiary. All while a Member of the House.

Fourth. Earnest K. Bramblett, of California: Indicted in 1953 for making false statements regarding his receipt of payroll kickbacks from his employees. Convicted and fined and given suspended sentence. All while still a Member of the House.

My colleagues, I offer these examples to support my position that of the many positions that might be taken on this question, support for anything beyond a resolution of censure is clearly unconstitutional, violative of the Member-elect's rights and contrary to the great preponderance of precedents, particularly the most recent ones.

APPROPRIATE METHOD IS AVAILABLE FOR PUNISHMENT OF MISCONDUCT AND RECOVERY OF MISAPPROPRIATED FEDERAL FUNDS

Let me be sure to point out at this time that there is definitely an appropriate method for punishment of any illegal conduct involved and for the recovery of Federal funds misappropriated. My distinguished colleague, Mr. MOORE, has pointed out that the Justice Department has full cognizance of all these proceedings, and that this matter is not going to be disposed of on this floor because they are involved in this matter, and they are going to stay involved.

The select committee, in referring its findings and hearings, has even asked the Justice Department for continuous reports on their conclusions and actions in this matter. I would also point out that in the Federal courts the alleged misappropriation of funds by Mr. POWELL can result in the payment of double damages plus an additional penalty of $2,000 according to title 31, United States Code, section 231.

THE SPECIAL ROLE OF ADAM CLAYTON POWELL

But there is something else about ADAM POWELL, the symbol of Negro America, a personal hero of mine, that makes this a tragedy that I cannot do other than make sure every Member on this floor is perfectly cognizant of before we, hopefully, vote for the previous question here today.

The Congressman ADAM CLAYTON POWELL is a false caricature of the POWELL, to whom the churches, the synagogues, the labor unions and educational institutions—not just black Americans but all Americans—owe an unparalleled debt for the unexcelled legislation that has been passed in the House of Representatives under his leadership as the chairman of the Committee on Education and Labor.

It is ADAM CLAYTON POWELL who has steered through the Manpower Development Training Act, the antipoverty bill, the Juvenile Delinquency Act, the Vocational Education Act, the National Defense Education Act and all of these bills which have redounded to the benefit not only of Negro Americans but to the benefit of all Americans.

Certainly Negro Americans cannot forget that POWELL is disliked by many white Americans not only because of allegations regarding his personal conduct, but because it was POWELL who desegregated congressional facilities for his staff and himself when he first came to Congress in 1945; because it was POWELL who attached the "Powell amendment," a desegregation rider to school, housing, and labor bills which Congress was considering passing and which did not outlaw discrimination. It was POWELL who forced congressional recognition of discrimination in the Daughters of the American Revolution. It was POWELL who brought to a vote the question of segregation in the Nation's Capital. It was POWELL who demanded that Negro journalists also be seated in the Senate and House Press Galleries. It was POWELL who introduced a bill prohibiting segregation in the Armed Forces.

So I say to you, my friends, I urge that we remember what was said on the fifth anniversary of his chairmanship by the President of the United States of America, Lyndon Baines Johnson:

> The Fifth Anniversary of your chairmanship of the House Education and Labor Committee . . . represents the successful reporting to the Congress of 49 pieces of bedrock legislation. . . . The passage of every one of these bills attests to your ability to get things done. . . . Only with progressive leadership could so much have been accomplished by one committee in so short a time. I speak for the millions of Americans who benefit from these laws when I say that I am truly grateful.

FINAL APPEAL

My colleagues, let me finally restate my opening sentiments. It is our job here to not only settle this particular question but also to set some very important precedents. We must begin to establish, and quickly so, uniform standards of ethical conduct for all of our Members and our employees. But surely in our first major effort to establish these principles, we should be particularly careful to do it in a manner that is clearly constitutional, that will withstand all legal attack, and is effective, and that will be recognized as just and fair by dispassionate observers.

If I may I should like to close by citing

to you the famous statement by George Washington during debate at the Constitutional Convention in 1787:

Let us now raise a standard to which the wise and honest repair.

What we are asked to do here is to work within the confines of our conscience and within the confines of the Constitution and to use the standard I think every Member of this Congress would use—what is best for America and what is best for this Congress.

I think if we do adopt that standard, we will adopt the previous question, Mr. Speaker, and then this Congress will go on record as supporting the historic precedents relating to censure, which precedents we should certainly observe; and that we will fulfill the confidence that all America places in this Congress and make America the greater for our actions here today.

In recent years Congress has set an admirable record in refurbishing the honor of America in guaranteeing to all of its citizens equal justice before the law. I would appeal to you in this case to not only do justice to an individual but to also do justice to the principles for which so many have sacrificed and for which, in the last analysis, we shall all be judged.

Mr. MOORE. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. THOMSON] 4 minutes for the purposes of debate.

Mr. THOMSON of Wisconsin. Mr. Speaker, I share the concern of the gentleman from Michigan over the grave constitutional problems with which we are confronted here today.

I am worried by the light manner in which we assume that we have implied powers under the Constitution; and the assumption that we have the power to add to the language of the Constitution.

I think we have reached here today a point in history that had been envisioned by the Founding Fathers of this great system of government.

I think it is very clear on reading the debates in the Constitutional Convention and the precedents that the Founding Fathers envisioned in the years that followed them the waves of emotion that would sweep this country and sweep the Congress over questions of this kind. We are here today, I think, in a capacity of not only people who are citizens of their districts but as Representatives who should provide some leadership and who should maintain the high standards which were outlined in the forming of this Constitution.

In those early days the requirement to vote and the requirements to hold office were—sex—you had to be male if you wanted to vote. There were property qualifications. There were religious qualifications. And there were qualifications against having been guilty of a criminal conviction.

Our Founding Fathers who went to Philadelphia in 1787 brought with them experience and an understanding of the need for limitations on representative government, and those limitations were written clearly into the Constitution. We do not have power to examine a qualification unless it relates, first, to age, and we have done that. People have been elected to this body before they were 25 years of age. Second, inhabitancy; third, citizenship. We do not have implied or actual powers to go beyond those qualifications.

I was not a candidate to serve on this committee. I was not a volunteer. I was drafted. As I told my colleagues yesterday, some of my friends came up to me and said, "We hope among your qualifications is one of being prejudiced. We are looking forward to the minority report that you bring in."

But the longer I studied the implications of this constitutional problem, the more convinced I became that it was not only a constitutional requirement of this body to seat this Member-elect, but also it is the wisest course, and we should follow that course.

The easy way out would be to say, "Kick him out." The easiest vote I could cast would be to exclude this Member. But I think the writers of the Constitution well covered that subject when they said that a Member had a right to be seated if he met the three constitutional qualifications, and that the House had the right to discipline a Member, but in the event he was to be expelled, the expulsion was to be by a two-thirds vote.

Today this Congress should not follow the easy course. We should not simply say, "Kick him out." We should be conscious that in the history that follows they are going to look at this Congress and see if we measured up to the standards that were set by our forebears.

Mr. CORMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS], for the purpose of debate.

Mr. GIBBONS. Mr. Speaker, I thank the chairman. This is really going to have to be a short speech. I did not think I could let history be so perverted on this floor as it has been here. I think that every Member of this body should realize that on five occasions in this Chamber, right here, Members-elect have been excluded and never seated. I will give you their names and the States where they were from.

Mr. Roberts, who was a Member-elect from Utah; Mr. Berger, who was a Member-elect from Wisconsin; Mr. Brown and Mr. Young from Kentucky; and Mr. Whittemore from South Carolina.

Let us take the Whittemore case that occurred in the 1870's. Mr. Whittemore sold appointments to the Service Academies. He was investigated and censured. He resigned. He went home. He was reelected, and he came back up here. Do you know what the Congress did? They did not seat him in this Chamber. He was excluded.

Now, do not be deluded by the arguments that we are taking upon ourselves powers that are not ours. That argument has been made ever since this country has been founded, and during that 180 years, on five specific occasions in this House of Representatives we have excluded Members from this House of Representatives. We have done so twice in this century.

Mr. Speaker, when I read the briefs that had been submitted in Mr. POWELL's behalf the question of exclusion worried me and I asked the American Law Division to prepare a rebuttal brief for me. Many Members have asked that I place this brief in the RECORD. Therefore I include it in the RECORD at this point:

THE LIBRARY OF CONGRESS,
Washington, D.C., February 14, 1967.

To: Honorable Sam M. Gibbons.
From: American Law Division.
Subject: Briefs Submitted Re Matter of Representative Adam Clayton Powell.

The two briefs submitted, one by Representative Powell and the other by the American Civil Liberties Union and the New York Civil Liberties Union, relate to the jurisdiction of the Select Committee of the House of Representatives considering the case of Representative Powell.

They are, of course, adversary briefs, and the following analysis is made of them.

A. THE POWELL BRIEF

The major point of the brief is that Mr. Powell meets the three qualifications for membership in the House set forth in Article I, Section 2, clause 2 of the Constitution in that he is above the age of 25 years, has been a citizen of the United States for more than 7 years, and was an inhabitant of the State in which he was chosen at the November 8, 1966, election. It also asserts that the validity of the election of Mr. Powell and returns from his 18th Congressional District in New York have not been questioned.

It asserts that the qualifications in Article I, Section 2, clause 2, are the sole and exclusive qualifications for membership in the House and that the Select Committee "is required under the Constitution and Precedents of Congress to recommend the immediate swearing in and seating of the Member-Elect" (Mr. Powell).

The first point made by the brief submitted by Mr. Powell is that it was the clear mandate of the Constitutional Convention that the House is required to seat a Member-elect who meets the qualifications set forth in Article I, Section 2, clause 2.

Cited as authority for such a statement are: (1) Professor Charles Warren, *The Making of Our Constitution*, 1928, p. 420; (2) a statement by Madison referred to in Farrand, *Records of the Federal Convention*, Vol. 2, p. 249; (3) reference to "leading commentators" to the effect that the intention of the Convention was to establish a mandate that the Legislature (Congress) has no power to vary, alter, or add to the constitutional qualifications and must seat as a Member any duly elected Representative who meets these qualifications; and (4) the recent Supreme Court decision of *Bond* v. *Floyd*, Dec., 1966, 87 Sup. Ct. 339, footnote 13.

As respects any clear mandate of the Constitutional Convention respecting the qualifications for Members of the House, see the attached report by Miss Julia Sayles of the American Law Division, "Qualifications of the Members of the House of Representatives", February 2, 1967, marked A, in which the conclusion is reached, after a study of Farrand's debates on the Constitution and Elliott's debates in the state ratifying conventions, that it cannot be said definitively that the Founding Fathers determined that the three qualifications of age, citizenship and inhabitancy were the sole ones. See also the study printed in 88 *Congressional Record*, 3047–3050, during the debate in 1942, marked B, concerning Senator Langer, a study that had been printed as Senate Document 4, 70th Congress, in 1927.

In other words, relevant records are too scant to determine with complete certainty the intention of the Founding Fathers.

As respects the statement on leading commentators affirming the same point of view, i.e., Justice Story, Cooley, Cushing, Tucker, Foster, Paschal, and McCrary (p. 4 of the Powell brief), attached are two pages from the minority report in the case of Mr. Brigham Roberts of Utah in the 56th Congress (House Report 85, 56th Congress, 1900),

marked C, as reprinted in Hinds, *Precedents of the House of Representatives*, Vol. I, pp. 545–546. It will be noted that the same commentators cited in the brief for Mr. Powell are exactly those cited in the minority report in the Roberts case (Mr. Roberts was excluded).

Views of commentators to the contrary, as contained in the committee majority report on the Roberts case, are attached, pp. 532–533 of Hinds', marked D. For the comment by Burgess, see page 7 of the attached report by Miss Sayles, *supra*. See also, the attached study printed in 88 *Congressional Record* 3047 at 3050.

Commentators themselves are not in accord on the matter.

Of the law review articles cited in the brief, 4 Notre Dame Lawyer 3 (1928), 15 Georgetown Law Journal 382 (1927), 30 Law Notes 181 (1927), and 33 Virginia Law Review 332 (1947), the first three, while discussing the power of the Senate over qualifications of Senators-elect, actually related to the cases of Frank L. Smith of Illinois and William S. Vare of Pennsylvania, during the 69th and 70th Congress, which were essentially cases of elections purity and not qualifications. This interpretation was expressed by Senators in the debate over Senator Langer in 1942. Such Senators as Senator Murdock and Senator Overton, who strongly espoused the concept that exclusion could not be based on any qualifications except absence of the three set forth in Article I, Section 2, clause 2, stated that the Smith case was entirely an elections case and had no relevance to the matter of qualifications (for Senator Murdock's remarks, see 88 Cong. Rec. 2477; for Senator Overton's, see 88 Cong. Rec. 2773). For similar views, see "The Legislature's Power to Judge the Qualifications of Its Members", 19 Vanderbilt Law Review 1410 at page 1424 (Oct., 1966). See also, Willoughby, *The Constitutional Law of the United States*, Vol. I, 2nd Ed., p. 610, attached, marked E.

The article in 33 Virginia Law Review, which appeared relative to the case of Senator Bilbo of Mississippi in 1947, takes a strict view of the application of the three constitutional qualifications but grants that the bodies of Congress have interpreted their powers in respect to them more broadly (a copy is attached, marked F).

The *Bond* decision was a free speech, First Amendment decision in which the judicial standard of "political question" doctrine was not raised by the Supreme Court because the case involved a state legislature and the federal judiciary, not the Congress and the federal judiciary (see resume of the case, attached, marked G). The footnote was not only dicta but it was related to text in the decision relating to freedom of speech. The case has little relevance, under existing precedents, to the situation of Mr. Powell.

The next point in the brief for Mr. Powell is that of House and Senate precedents.

It discusses the case of William McGreery of Maryland in the 10th Congress. Although remarks were made in the debate about the power of Congress to add further qualifications than those in Article I, Section 2, clause 2, the point at issue in the case was whether a state could add qualifications (see resume of the McGreery case, attached, marked H). It will be noted that a resolution was submitted during the debate that neither Congress nor the States could add to or take away from the qualifications in the Constitution prescribed for the House, but it was never voted on.

The case of Humphrey Marshall of Kentucky in the Senate, in the Fourth Congress, is erroneously depicted in the brief. Mr. Marshall had been sworn in as a Senator and was not a Senator-elect (see Hinds, *Precedents of the House of Representatives*, Vol. II, § 1288). At issue was whether, for a crime alleged to have been committed prior to his election but for which the courts had not held him to answer, a Senator should be tried by the Senate. The Senate declined to proceed in the absence of prosecuting action from the constituency. There was no motion for exclusion involved. It seemed, rather, a question of possible expulsion (see Hinds, *supra*, Vol. II, p. 819), and as such is not really relevant to the existing case.

The quotation from *Myers* v. *United States*, 272 U.S. 52 (1962) (see I attached), actually adds little to the brief because the two cases to which it is applied (i.e., McGreery and Marshall) did not relate to excluding for disqualification on grounds other than those set forth in Article I, Section 2, clause 2.

The cases of Turney v. Marshall and Forke v. Trumbull, in the 34th Congress (Hinds, *supra*, Vol. I, p. 384), are quite similar to the McCreery case, *supra*, in which, although statements were made about the alleged absence of power in Congress to add to the qualifications set forth in Article I, Section 2, clause 2, the real issue was once again that of the power of the States to add qualifications.

McCrary, in *A Treatise on the American Law of Elections*, 2nd Ed. (1880), writes as follows (pp. 205–206):

"A State law requiring that a representative in Congress shall reside in a particular town or county within the district from which he is chosen, is unconstitutional and void. (Barney v. McCreery, Cl. and H. 169).

"§ 228. The Constitution of Illinois, of 1848, provided as follows:

" 'The judges of the Supreme and Circuit Courts shall not be eligible to any other office or public trust of profit in this State, or the United States, during the term for which they are elected nor for one year thereafter. All votes for either of them for any elective office (except that of judge or of the Supreme or Circuit Courts) given by the General Assembly or the people, shall be void.'

"The House of Representatives held that this clause of the constitution of Illinois, so far as it related to the election of Members of Congress, was void, because in conflict with the federal constitution, and, also because it was an unauthorized attempt on the part of State of Illinois to fix or to change the qualifications of Representatives in Congress. Mr. Marshall and Mr. Trumbull, of Illinois, were elected Representatives in the thirty-fourth Congress. They had previously been elected, respectively, judge of the Supreme and Circuit Court of that State, for terms which had not expired. This was held to be no objection to their holding the office of Representative in Congress. . . ."

The case of Senator Stark of Oregon is referred to in the brief for Mr. Powell on page 7, under part 4, citing I Hinds, p. 433. Once again, remarks from debate are quoted but not the actual occurrence of events. When Mr. Stark appeared in January, 1862, in the 37th Congress, he was asked to stand aside from the administration of the oath because of alleged disloyalty, and a resolution was submitted that the oath not be administered to him and that his credentials be referred to the Senate Committee on the Judiciary. This motion was adopted, 29 to 11, after an amendment to strike the word "not" from the resolution had been defeated, 10 to 29.

On February 7, 1862, the Judiciary Committee reported a resolution, without expressing any opinion on the question of disloyalty, that Mr. Stark was entitled to take the oath of office. After considerable debate including that on qualifications and additions thereto by the Senate, the resolution to admit Mr. Stark was amended by adding thereto the words "without prejudice to any subsequent proceedings in the case." It was explained that this was proposed so that the Senate might not be precluded from passing on the question of expulsion. The amendment passed, 24 to 16, and the resolution, as amended, passed, 26 to 19. The oath was administered to Mr. Stark.

On February 28, a resolution was passed, following a request by Senator Stark, that a select committee be appointed to investigate the charges against him. On April 22, 1862, the select committee reported concluding that Mr. Stark had been disloyal. On May 7, Senator Sumner submitted a resolution to expel Senator Stark on the grounds of disloyalty.

Little of the session was left, but on June 6, 1862, after little debate, the resolution was disagreed to, 16 to 21.

The question was much like those on later occasions, to swear in a Member-elect (or Senator-elect) pending an investigation. Senate precedents that followed, such as Reed Smoot in the 57th through 59th Congresses, and William Langer in the 77th Congress, also adopted the view that once a Senator had been sworn in, though even on a prima facie right, expulsion was the only procedure to oust him thereafter.

The case of Francis Shoemaker in the House, in the 73rd Congress, is attached hereto, marked J. The sole question as disclosed by the debate was: should he be sworn in and then investigated, or should he not be sworn in until investigated? The House voted for the former procedure. It was, in effect, a reverse of the vote taken in respect to Mr. Powell, but it in no way obviated the Roberts, Berger, etc., precedents.

The case of Senator Langer, in the 77th Congress (1942), is erroneously stated in the brief on page 9. Senator Langer was not a Senator-elect. He was sworn in on opening day "without prejudice to the rights of the Senate." The Elections Committee reported that even though he had been sworn in, it was not final and he could be excluded by a majority vote. The Senate decided, however, after long debate, that since he had been sworn in, he could only be expelled by a two-third vote. The two-thirds vote did not materialize and the Senator retained his seat (see attached resume of the case, marked K). The real decision once more was that once a Senator had been sworn in, he could only be ousted by expulsion procedure. It is again not relevant to the present case where Mr. Powell has not been sworn in, and, like the cases of Senators Stark and Marshall, it did not reach any vote on the question that qualifications other than those of age, citizenship and inhabitancy could be considered. As noted in the attached resume of the Langer case, Senator Overton offered an amendment which would have squarely raised this question before the Senate, but there were too many objections and it was withdrawn.

In respect to the report of the Judiciary Committee in the so-called Credit Mobilier case in the 42nd Congress, 1872, a report is attached hereto dealing with the censure of Oakes Ames and James Brooks, marked L. A select committee was created which considered the question of expulsion for offenses allegedly committed by the two men as Members of Congress five years previously. The select committee recommended expulsion on the ground that the acts committed and the influences brought to corrupt Members were as likely to be as operative on them in the future as in the present. Consequently, it was charged that the acts of Messrs. Ames and Brooks "may properly be treated as offenses against the present House, and so within its jurisdiction upon the most limited rule."

The Judiciary Committee also issued a report "particularly on the question whether or not it warranted articles of impeachment of any officer of the United States" (Hinds, *supra*, Vol. II, p. 855). Its main point was that "neither impeachment nor expulsion should be invoked for offenses committed

before election" (*ibid.*). It did touch on the question of qualifications.

A resolution was offered on February 26, 1873:

"Whereas by the report of the special committee herein it appears that the acts charged as offenses against Members of this House in connection with the Credit Mobilier occurred more than five years ago, and long before the election of such persons to this Congress, two elections by the people having intervened; and whereas grave doubts exist as to the rightful exercise by this House of its power to expel a Member for offenses committed by such Member long before his election thereto, and not connected with such election; Therefore

"Resolved, That the special committee be discharged from the further consideration of this subject.

"Resolved, That the House absolutely condemns the conduct of Oakes Ames, a Member of this House from Massachusetts, in seeking to procure congressional attention to the affairs of a corporation in which he was interested, and whose interest directly depended upon the legislation of Congress, by inducing Members of Congress to invest in the stocks of said corporation.

"Resolved, That this House absolutely condemns the conduct of James Brooks, a Member of this House from New York, for the use of his position of Government director of the Union Pacific Railroad and of a Member of this House to procure the assignment to himself or family of stock in the Credit Mobilier of America, a corporation having a contract with the Union Pacific Railroad, and whose interests depended directly upon the legislation of Congress."

This was a substitute resolution for resolutions to expel both Mr. Ames and Mr. Brooks. Both substitutes were adopted as respects Mr. Ames and Mr. Brooks, and then, on motion to adopt the preamble, it lost by a vote of 98 to 113, and the preamble was repealed.

Thus, the primary question in this case was that of either expulsion or censure, and the preamble to the substitute resolution, to the effect that grave doubts existed as to whether the House could expel Members for acts occurring in prior Congresses, was deleted.

Point Three of the brief for Mr. Powell deals with what are called deviations "from the constitutional mandate on rare occasions under intense partisan pressure and public hysteria. These isolated cases have been subsequently overruled or discarded by the House or Senate."

Mentioned is the case of Brigham Roberts of Utah in the 56th Congress, I Hinds, § 474 et seq.

This case is alleged to have been repudiated by the Senate case of Reed Smoot of Utah in the 58th Congress, I Hinds, §§ 481–484. In the latter case, however, Senator Smoot had been sworn in, while Mr. Roberts had not been. The majority report in the case of Senator Langer (S. Rept. 1010, 77th Congress, pp. 16–17) distinguished between the two cases as follows:

"Reed Smoot case. I Hinds' Precedents, page 561:

"'Although it was understood that objection was made to a Senator-elect on the question of qualification, yet the oath was administered on his prima facie showing. The indispensable existing membership at time of offense was basis for two-thirds vote (for expulsion).'"

"'In the present case the power of expulsion could be invoked'. . . (citing p. 563 from I Hinds)."

In the debate in the case of Senator Langer (88 CONGRESSIONAL RECORD, 2489), Senator Lucas stated:

"In the Roberts case, the House of Representatives refused to permit Roberts to take the oath. They asked that he stand aside. They said:

"'What is the use in permitting him to take the oath, and then, after he takes the oath, expel him by a two-thirds vote?'

"The House excluded Roberts by a majority vote.

"In the Reed Smoot case, Smoot was admitted, and he qualified by taking the oath. The moment he became a Senator he immediately came under the constitutional provision of expulsion, provided his conduct was such that the provision was violated."

In addition, in the report on the Smoot case, in "Senate Election, Expulsion and Censure Cases from 1789 to 1960", S. Doc. 71, "iron bound oath" of 1862. None were immediately sworn in, and the credentials of all were referred to the House Committee on Elections. Of the seven, five were eventually sworn in. This would seem to give little credence to the allegation of hysteria.

In addition, the fact that the power to exclude on grounds other than age, citizenship, and inhabitancy has been utilized so sparingly can be argued to constitute a tribute to both the House and the Senate that it has not been abused. It can be argued that it has rather been used judiciously and not hysterically.

As respects the allegation that section 3 of the Fourteenth Amendment was adopted because of doubts of excluding Members-elect on the grounds of disloyalty, attached are copies of pages 127–133 of *The Adoption of the Fourteenth Amendment*, by Horace E. Falck (1965), marked N, a study of the actual history of the inclusion of section 3. Nowhere does he refer to doubts about excluding from the House Members-elect on the grounds of disloyalty.

Point Four in the brief for Mr. Powell deals with the December, 1966, decision by the U.S. Supreme Court in *Bond* v. *Floyd*, the case of the Member-elect excluded from the Georgia Assembly for statements alleged to indicate an unfitness to sit as a Member. The attached report on the *Bond* case shows that it was one relating wholly to the right of free speech under the First Amendment as applied to the States through the Fourteenth Amendment. It deals with a State legislature and the federal courts. It is totally distinguishable from the case of Mr. Powell where no free speech claim is made and where the legislative body involved is the U.S. House of Representatives.

In summary, the brief does not really support its contentions. The cases it cites are not in point and it contains quotations which, though apt as respects the arguments made, were not related to the fundamental questions in the cases in which they are cited.

B. BRIEF AMICI OF THE AMERICAN CIVIL LIBERTIES UNION AND NEW YORK CIVIL LIBERTIES UNION

The major arguments analyzed in the brief for Mr. Powell are presented in this brief and have already been discussed. As has been noted, it cannot be said definitively from the records that the Constitutional Convention delegates explicitly intended that the three qualifications of age, citizenship, and inhabitancy were to be maximal. As has also been noted, commentators are not unanimous in their interpretation of the actions of the Convention.

In respect to the argument that the power to consider additional qualifications is denied to the Congress, since there can be no proper exercise of a power to review a decision which in a democracy belongs exclusively to the electorate, both the House and the Senate have so acted as illustrated by the cases of Roberts, Berger, Brown, Young, and Whittemore in the House, and of Senator-elect Thomas of Maryland for disloyalty, in the 40th Congress, etc.

On the charge that the exercise of the power is fraught with possibilities for bias (Brief, p. 6), Senator Lucas of Illinois, during the debate regarding Senator Langer, stated: "I also submit that a careful study of the Senate precedents indicates beyond the shadow of a doubt that this power has not been lightly considered" (88 CONGRESSIONAL RECORD, 2393).

The brief, again like the Powell brief, tends to intermix situations of possible expulsion with exclusion (not reference to Senator Langer on page 8 of the brief), and also situations of administering the oath or not along with an investigation (see case of Shoemaker on pp. 8–9 of the brief).

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from West Virginia.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I shall speak briefly in terms of trying to avoid the constitutional problems.

Mr. Speaker, on January 10, 1967, in the exercise of fair play and without judging the issues, this House determined that ADAM CLAYTON POWELL, Member-elect from the 18th District of New York, should stand aside until he had been furnished an opportunity to explain some serious charges with respect to his handling of the funds of the House as a standing committee chairman. At no inconsiderable expense and time of responsible Members, the House designated a select committee who afforded Mr. POWELL an opportunity to come in and answer its questions.

What happened? ADAM CLAYTON POWELL told the special committee where to go. Mr. POWELL refused to answer questions concerning his handling of the public moneys in the contingency fund of the House. He did not explain. He refused to explain.

In short, he has defied the entire House of Representatives. He has continued to place himself as an individual above the rules applicable to Members of the House. He has continued to disgrace the House before the people of the United States and the world.

Mr. Speaker, in this situation we should not vote to seat any man who is defiant of the House, who refuses to account, who declines to explain serious complaints of his own deliberate, if not criminal, abuses of the public trust with the funds of this House. I believe Mr. POWELL should continue to stand aside until he explains.

If he sees fit to continue to refuse to explain it should be made clear that he will not be seated in this 90th Congress. I should like to add nor in the 91st or 92d but of course the 91st Congress under the Constitution will make its own separate determination.

There is no need to become involved in the intricacies of the constitutional requirements. There is no need to consider Mr. POWELL's contempt of the courts of New York, nor his alleged adventures on Bimini and elsewhere. True, this background cannot help but irritate the situation. Constitutionally, it muddies the waters. For perhaps the moral character of a candidate is more properly for the judgment of his constituency.

But when a former Member who asks to be seated, refuses to answer questions about his own alleged embezzlements, conversions and possible thefts of moneys entrusted to him by this House, surely we are not compelled to seat him until at least he explains to the House. This

would be true of any Member on either side of the aisle, from the Speaker to the newest face on board.

Such refusal alone, without the need for going into any of the other collateral matters is, in my opinion, more than sufficient cause and reason to so act to maintain the necessary dignity and public respect for the National House of Representatives.

We must face this challenge to our responsibility to manage our own membership. We cannot, nor should we, ignore our obligation in the face of defiance, contumacy and failure to account.

The suggestion that other Congresses have seated persons convicted of crime are wholly inapt, for the complaint in this instance relates peculiarly to tampering with congressional funds while a Member of Congress and contrary to the rules of the House, and—more importantly—Mr. POWELL's failure to answer was not in the 89th Congress. His failure to answer is in this Congress. It took place last month, in February 1967. This Congress is under no obligation to seat a Member-elect who so defies its rules. His dilemma is of his own creation.

It has been suggested that such a position will place the Congress on a collision course with the courts. I do not think so. But if this be the case I doubt that the high court would undertake to tell the House of Representatives of the United States that it cannot decline to seat a Member-elect defiant of the House in the circumstances of Mr. POWELL.

Mr. Speaker, I think also it should be made clear today that, in the event Mr. POWELL is asked to continue to stand aside until he responds to the questions of the House, it will be without pay. For again his dilemma is of his own creation. It should also be made crystal clear to the electorate of the 18th District of New York that, special election or no, this House will not seat ADAM CLAYTON POWELL until he first answers its questions and explains these serious charges relating to his conduct as a Member of Congress.

Mr. Speaker, I hope the previous question will be voted down.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. HALL], for the purpose of debate.

Mr. HALL. Mr. Speaker, I rise to state that I shall vote to vote down the previous question, and I shall continue to do so until such time as the proper motion is submitted under the rules of the House to exclude ADAM CLAYTON POWELL of New York from membership in the 90th Congress.

In so doing, I do it with full respect for the committee which has reported House Resolution 278 today and for its long labors. I hope they do not feel hurt, or that to vote their resolution down is a vote of irresponsibility, because perhaps they are too well trained in the objectivity of seeing both sides of the question and the law to come to a prudent judgment as to the qualifications therein.

In that connection, it seems to me that the crux of the situation before us here today is not in article I, section 2, clause 2 of the U.S. Constitution, but indeed, if there be a question about the qualification of this Member, it is in article I, section 5 of the Constitution—and I will quote from my pocket Constitution, not being a lawyer and not trained in objectivity, but yielding to no man as to what I hope is prudent judgment, and reading the conjunctive sentences—"Each House may punish its Members for disorderly behavior."

I submit to the Members that all the humiliation, all the pleas that have been brought, all the evidences of censure in this report toward this man who has referred to all of us as hypocrites, and who dared us to rest well on the night of January 10—and I never rested better in my life—indicate this man is uncensurable, unembarrassable, and irresponsible.

He, indeed, is the one who has grandiose ideas and delusions of grandeur. As one of the "doctors in the House," that adds up to something extraneous to the public trust and best interests of this House.

I say to the Members here today that regardless of all the constitutional questions, if I may paraphrase another man who has been in this Chamber before us, the people of the United States will little note nor long remember the money that may be recouped, whether or not he [Mr. POWELL] is seated is the question—rather whether or not he is seated, in spite of preaching insurrection, in spite of being proved guilty of forgery, in spite of being guilty of larceny.

As I have said before, I shall vote at every opportunity to prevent this man from being seated, who is, indeed, by the committee report itself which accompanies House Resolution 278, guilty of disorderly behavior according to article 1, section 5, paragraph 2 of the Constitution.

I hope all will join me in voting down the previous question and in excluding this Member-elect from the House.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS], for the purpose of debate.

Mr. GROSS. Mr. Speaker, a special investigating committee, which was constituted when the House on January 10, 1967, refused by an overwhelming vote to seat Representative-elect POWELL, has now recommended that he be seated, but with certain conditions.

These conditions are utterly unacceptable.

Among other conditions, the committee provides that the Representative-elect pay back $40,000 in public funds which he allegedly obtained or manipulated illegally. This would be accomplished, according to the committee formula, by a $1,000 per month deduction from his paychecks.

In the first place, the committee does not know whether $40,000 represents all of the financial manipulations of the individual in question. Apparently $40,000 was a round figure that somehow appealed to the committee.

In the second place, to seat the Representative-elect for the purpose, among others, of collecting $1,000 per month, is in the nature of "robbing Peter to pay Paul"; it is "sending good money after bad money"; it is in the nature of picking the taxpayer's pockets to pay a culprit's fine, the chairman of the committee, Mr. CELLER, is quoted as saying.

And the committee does not say how it is expected the Representative-elect if seated for the remainder of the 22 months of the 90th Congress, would meet an obligation of $40,000 when the rate of pay deduction is only $1,000 per month, or a total deduction of $22,000.

The committee resolution provides that:

> Said sums received by the Clerk (of the House of Representatives) shall offset to the extent thereof *any liability* of the said Adam Clayton Powell to the United States of America with respect to the matters referred to in the above paragraphs 3 and 4 of the preamble to this resolution.

Why should not a Federal court or the Internal Revenue Service, if either or both decide to take action in this case, be free to fix liability to the Government without interference, restriction or direction on the part of the House of Representatives? The pending resolution if adopted, and let us hope that in all conscience it will not be, provides that ADAM CLAYTON POWELL shall present himself to take the oath of office on or before March 13, 1967. What is magic about March 13? What if POWELL decides to interrupt. If the abortive resolution is to prevail, why not put the cap on the sheaf of this sordid affair by administering the oath this afternoon?

ADAM CLAYTON POWELL does not deserve to be seated in the House of Representatives—conditionally or otherwise. Without identification he has publicly denounced Members of the House as "hypocrites," and again without specification or identification has publicly asserted that his illegal acts have been no worse than those of other House Members.

Yet when given the opportunity to provide evidence in support of these statements and defend himself against charges of gross misconduct, he has either refused to appear or, when subpenaed, answered only virtually meaningless questions.

Yet by some strange outpouring of emotionalism the committee, having branded this individual as being unworthy of membership in Congress and of bringing the House and its Members into disrepute, now asks that he be seated so that he can be paid a salary from which a portion would be extracted to compensate partially for that which he previously manipulated to his own ends.

I wonder when it will be suggested that Bobby Baker be permitted to pay what he owes the Federal Government and be free to again wheel and deal his way through Washington and way points across the country.

For altogether too many months the public was fed a steady diet of whitewash and coverup in the cases of Walter Jenkins and Bobby Baker, among others. Ethical standards in Government seemed to be at their lowest point. There was

the grave question of whether law enforcement officials had the courage and dedication to come to grips with this situation.

In recent weeks there seemed to be some improvement in the moral climate, due in part to the conviction of Bobby Baker and James Hoffa, and the refusal of the House on January 10 to seat ADAM CLAYTON POWELL.

The House of Representatives today can either help this moral climate or it can further destroy it.

Mr. Speaker, I have a reasonably strong stomach but it will revolt at the aroma that will arise if today ADAM CLAYTON POWELL is offered a seat in this Chamber. I will vote to defeat the previous question so that an amendment may be offered to deny membership to this individual. Failing in that, I will vote against the resolution.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter.

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

There was no objection.

Mr. DEVINE. Mr. Speaker, today the House of Representatives is writing a record historians will study as precedent for centuries. Constitutionality seems to be the key problem, or issue; however, we must admit the entire situation is laced through and through with emotionalism, anger, pique, together with unwarranted racial overtones. Actually, many Members in making a final judgment about their vote are vitally and properly concerned with the reputation of the U.S. House of Representatives.

The subject of the controversy himself has put in issue, either by accident or design, the reputation of each individual Member of this body by suggesting that his conduct is the same as every other Member of Congress. It should hardly be necessary to deny this outrageous general condemnation; however, for the record, it categorically is not true.

Yes, there may be some isolated instances of indiscretions by some Member from time to time, in the past, and if such be the case, they should enjoy no more immunity than any other wrongdoer. If there is such evidence, let it be presented and properly handled. There should be no double standards.

Meanwhile, drawing on a personal background of quite a few years in various areas of law enforcement, it comes as no surprise to find any cornered felon ready to "make a deal" by paying back what has been stolen. This has been the plea of defense attorneys and criminals for decades, particularly in embezzlement cases, larceny cases, forgeries, and cold checks. They say, "I'll give the money back if you will give me a suspended sentence, or probation." What do the members of the select committee recommend? Well, give him back his seat, let him pay back what he stole, and put him at the end of the line. That is all. He is still a Congressman, just like everyone else sitting here in this Chamber today, no more, no less.

Oh, yes, as perhaps an afterthought, at the bottom of page 32 of the report of the select committee, they are "forwarding copies of its hearings, records, and report to the Department of Justice for prompt and appropriate action"—whatever that means.

This may carry some weight with Justice, but it really is nothing new. Congressman DICKINSON, of Alabama, a member of the Hays committee, referred this whole matter to Justice and the General Accounting Office 6 weeks ago. And I did the same thing separately last January. Why? Because the hearings conducted by the Hays committee developed sufficient facts to warrant further investigation by the Justice Department to determine or verify whether there had been a violation of the Federal laws by this individual, and appropriate prosecutive steps no matter who was involved. Also, the General Accounting Office was requested by both of us to review the report and hearings, and conduct further investigation to determine whether there has been an illegal expenditure of public funds, and, if so, to take whatever steps were proper to recover. Again, no matter who was involved. Incidentally, less than an hour before this session started today, a reply was hand delivered from GAO which appears following my remarks—quote attached—at the end.

The Justice Department, through Fred Vinson, Jr., advised me they were pursuing the matter—however, would await the outcome of the work of this select committee to see what their evidence might develop. They did admit the issue before the select committee was different than the issues surrounding violation of the Federal laws.

Now, let us look at the reasoning offered by the members of the select committee. They concluded it was not necessary to determine whether they could legally, under the Constitution, recommend the Congressman-elect be denied his seat because the whole issue might be tied up in the courts for months, or even years. So? Big deal. What makes them think it will not, under any circumstances? And since when should action in this House be predicated on fear of what the Supreme Court may or may not do? In my opinion, this type of reasoning should be rejected.

The committee decided to recommend seating, censure, and discipline, because, in order to censure and punish, the Member must be seated. Or to put it another way, they decided they wanted to censure and require restitution, and the only way they could do it was seat him first. The relative importance of these items seems to me to be a bit tortured. As long as the Justice Department may be involved, the business of restitution would properly rest with them, or the General Accounting Office.

Much emphasis has been placed on depriving a 22-year Member of his seniority. Of course, this has a great personal impact on the Member, but in 1965 the majority party stripped seniority from a highly respected Member with 20 years of service, JOHN BELL WILLIAMS, and he did not steal a thing.

There is talk of humiliation, and to unseat would make a martyr of the man. Who are we kidding? Humility does not appear to be one of his virtues. In fact, the New York Times on the day before yesterday, with a Bimini dateline, quoted a reporter as saying:

> You don't seem worried at all.

To which the subject of this discussion is reported to have responded:

> Negro people have a policy of wearing the world like a loose garment—You will never understand, but it is fun to be colored.

The same newspaper in an editorial on February 25 said:

> Are Representative CELLER . . . And his colleagues on this Select Committee telling the House and the nation that a man evading prison for criminal contempt is fit to serve in the House as long as he pays back a few dollars to the Treasury? This is a strange value to place upon obedience to the law, and respect for the courts.

The select committee members seem to feel the people in the Harlem district would elect and reelect, again and again. This is a presumption only, and if correct, the House would still retain the right to judge the qualifications of its Members. Perhaps the "inhabitant" requirement would overcome this problem, since this man has been absent from the area he was elected to represent for a long period of time in order to avoid being arrested.

The argument that the people of Harlem would be deprived of representation should bear little weight since the man they elected for the past two decades has one of the poorest attendance records in Congress, and he has demonstrated his complete lack of concern for their representation, even today, by habitual lolling in Bimini rather than taking care of their interests. There certainly are other inhabitants of the Harlem area, qualified to represent their citizenry, and with honor and respect. They have a choice. So do we, here today.

Finally, I would point out that the eyes of the Nation are focused on the House of Representatives today. Particularly, the young people of this country want to know whether we operate on a double standard—whether different guidelines apply to politicians and people elected to a position of public trust, than to the common, ordinary, average American citizen. Our system is on trial today. Our young people want to know if it is permissible to cheat on an exam, as long as you do not get caught.

The select committee, made up of able Members of this body, served in the capacity of a grand jury, and made recommendations. We, the House of Representatives, must make the final decision, and it must be the right decision. Let me say to my colleagues, the people of this country are not interested in a maze of legalistic, technical explanations, justifications, and rationalizations. They want to know whether the greatest legislative body in the world is willing to tolerate its Members violating the public trust. As far as I am concerned, the answer is "No," and I shall not vote in a manner that would permit the seating of Mr. POWELL. The young people of this Nation will then know that we did, indeed, "keep the faith."

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., March 1, 1967.

Hon. SAMUEL L. DEVINE,
House of Representatives.

DEAR MR. DEVINE: We refer to your letter of January 12, 1967, requesting that we study and analyze the contents of House Report No. 2349, 89th Congress, and the hearings held before the Special Subcommittee on Contracts of the Committee on House Administration, relating to the investigation into expenditures during the 89th Congress by the House Committee on Education and Labor.

Upon the basis of such study and analysis you request that we determine whether there has been a violation of the public trust and whether the United States Government should make an effort to recover funds that may have been wrongfully expended.

The questionable expenditures fall into two general categories, namely, those relating to salary and those relating to transportation furnished at Government expense.

Section 103 of Pub. L. 89–90, approved July 27, 1965, enacted into permanent law the provisions of House Resolution No. 7 which continued in effect the provisions of House Resolution No. 294 of the 88th Congress, reading, in part, as follows:

"SEC. 2. No person shall be paid from any clerk hire allowance if such person does not perform the services for which he receives such compensation in the offices of such Member or Resident Commissioner in Washington, District of Columbia, or in the State or the district which such Member or Resident Commisisoner represents."

As disclosed in the hearings of the Special Subcommittee (see page 62) neither the House Resolutions nor section 103 of Pub. L. 89–90 contained any enforcement or penalty provision. Moreover, that law is not clear as to what percentage of the services of a clerk must be rendered in Washington, D.C. or the State or district the congressman represents to authorize payment of such services from the clerk hire allowance.

The Clerk of the House of Representatives has maintained the position that all he needed as a good acquittance for the salary payments made to Y. Marjorie Flores was a properly executed appointment document which he advised he had on file in his office. See 2 U.S.C. 92.

The Chairman, Committee on House Administration introduced a bill in the 89th Session (H.R. 11114) which provided, in part, as follows:

"SEC. 2. (a) No appropriation for clerk hire shall be paid to any person designated to be placed upon the roll of employees of the House of Representatives by a Member of the House of Representatives unless such Member has on file with the Clerk of the House of Representatives a certificate, under oath, that every person so designated by such Member will receive compensation from such clerk hire only for services performed in the offices of such Member in the District of Columbia, or in the State or the district which such Member represents.

"(b) Any Member of the House of Representatives who knowingly pays or causes to be paid from his clerk hire compensation for services performed other than in the offices of such Member in the District of Columbia, or in the State or the district which such Member represents, shall be fined not more than $5,000 or imprisoned for not more than one year, or both."

Enactment of that bill would have, we believe, provided the necessary authority to make the restriction practicably enforceable. However, H.R. 11114 was not enacted into law.

In any event neither Mr. Powell nor Y. Marjorie Flores appeared and testified at the hearings of the Subcommittee on Contracts and the record of those hearings does not establish conclusively that Y. Marjorie Flores did not perform some service in Washington, D.C. or in New York State. Therefore, while there is substantial doubt whether the statutory conditions were met, we do not consider that the evidence presented at those hearings provides a sufficient basis for recovery of the salary payments made to Y. Marjorie Flores from Mr. Powell's clerk hire allowance.

Also in question are the salary payments made to Sylvia J. Givens. Miss Givens was hired as assistant clerk for the House Committee on Education and Labor. Her appointment was effective August 1, 1966, and was terminated September 6, 1966. The record indicates that she performed clerical services in Washington, D.C. for the Committee from August 1 to 6, 1966, and from August 22 to September 6, 1966. By her own admission Miss Givens performed only domestic duties for Mr. Powell at Bimini during 13 days of the period August 7 to 20, 1966, the balance of the time being spent in a travel status to and from Bimini. Such domestic duties reasonably may not be construed as constituting any part of the official work of the Committee. Therefore, the record of the Subcommittee reasonably viewed would appear to establish a prima facie case for recovery from Mr. Powell of the compensation paid Miss Givens for domestic services performed for Mr. Powell during the period August 7–20, 1966. It should be noted, however, that the Committee on House Administration has approved the vouchers on which such salary payments were made. The provision contained in 2 U.S.C. 95—declaring such payments to be conclusive—would appear to prevent any department or officer of the Government from questioning payments made on vouchers so approved. Thus unless and until that Committee withdraws or revokes its approval of such payments it would appear that no department or officer of the Government would be authorized to effect recovery thereof.

Concerning the second category of questionable expenditures (traveling expenses), the Subcommittee report and the related hearings clearly established a lack of control of the purchase and use of airline tickets obtained with air transportation credit cards. However, in most of the instances we have examined, the evidence obtained falls short of establishing clearly that persons other than Committee employees, in fact, utilized tickets procured on such credit cards except in those instances in which Mr. Powell has made reimbursement from personal funds. Moreover, in the majority of cases the evidence does not clearly establish that the travelers utilizing such tickets failed to perform any official business of the Committee incident to their travel.

The following instances warrant special comments:

1) Procurement on the credit card of Mrs. Louise Maxienne Dargans of 4 one-way shuttle tickets from Washington, D.C., to New York to be used by Mrs. Lillian Upshur, a Mrs. Pearl Swangin, Mr. Jack Duncan clerk in Mr. Powell's office, and other persons who were not Government employees—Mrs. Pearl Swangin, Mrs. Jack Duncan and Adam Clayton Powell III. Mrs. Dargans testified that she was instructed by Mr. Powell to purchase airline tickets for such persons using her credit card. In fact she turned the card over to Mrs. Upshur who actually purchased the tickets after boarding the plane. Mrs. Dargans also testified that the three non-Government employees accompanied her and Mrs. Upshur to the airport although Mrs. Dargans did not actually see who boarded the plane.

Thus while the evidence does not establish conclusively that the three non-Government employees actually boarded the plane and traveled on the tickets procured by Mrs. Upshur using Mrs. Dargans' credit card, the evidence is viewed as prima facie evidence of such fact.

2) The travel of Miss Givens to and from Florida was, by her own admission, incident to the rendition of domestic service for Mr. Powell. Our understanding is that Mr. Powell recognized that this travel was not for official purposes and has made reimbursement for a part of this travel. However, there appears to be due $56.39, representing the cost of return travel from Miami to Washington, D.C.

3) Mrs. Emma T. Swann, by her own admission, performed three trips between Washington, D.C., and Miami, Florida, for vacation purposes—exact dates not shown—on tickets apparently given to her by Mr. Powell. The record, however, does not conclusively establish that Government funds were used to procure the tickets. Upon a showing that Government funds were so used, we believe that she should be held accountable for the cost thereof.

4) In the case of Alfred Vidal Chacon, the record shows a trip from Washington, D.C., to New York, New York, on March 1, 1965, and from New York to Washington on March 4, 1965. On March 5, 1965, he traveled from New York to San Juan, Puerto Rico. This travel was prior to his appointment with the Committee and was purchased with a Committee on Education and Labor Travel Plan credit card. By Mr. Chacon's own admission the travel to San Juan was "to see if I can move my family here in Washington." It was not shown whether the return portion of the ticket from San Juan was used. Mr. Chacon said at the hearings that he would arrange to pay for the San Juan ticket but that he has not reimbursed the Government for any part thereof. We are of the view that since the travel to San Juan was prior to his appointment and was for personal reasons, and paid by Government funds, a sound basis exists for recovery of the cost of travel to that point. Computed on the basis of one-half the cost of the round trip ticket the amount for repayment would be $60.75. Concerning the New York-Washington travel, the record is not clear as to whether this may be considered as preemployment travel incident to his subsequent appointment with the Committee. Therefore, on the present evidence, a request for refund of that item would not appear warranted.

Concerning the question of recovery of amounts expended for unofficial travel from persons who actually were furnished tickets purchased on Government credit cards for unofficial purposes, there is for consideration the provision appearing in 2 U.S.C. 95 which precludes any department or officer from questioning payments made from the contingent fund of the House of Representatives on vouchers approved by the Committee on House Administration. Admittedly, a convincing argument can be presented for the view that recovery may be effected from the persons illegally receiving the benefit of the travel without regard to 2 U.S.C. 95, since the only payments made on the vouchers approved by the Committee on House Administration relating to such travel were payments to the carriers concerned.

However, the matter is not entirely free from doubt and we do not consider that collection action against the individual travelers concerned would be warranted in the absence of formal advice from the Committee on House Administration that its approval of the vouchers in favor of the carriers did not and was not intended as a validation or approval of the unauthorized travel received by the individuals concerned.

Since receiving your request the Select Committee pursuant to House Resolution No. 1, 90th Congress, has filed its report. The Select Committee has taken official notice of the hearings, exhibits, and report of the Special Subcommittee on Contracts of the Committee on House Administration, upon which our comments expressed above have been predicated. Based on the hearings, exhibits, and report of the Subcommittee, and on addi-

tional evidence developed by the Select Committee, the Select Committee has found wrongful and willful appropriation of public funds by Mr. Powell by allowing salary totaling $44,188.61 to be drawn on behalf of Y. Marjorie Flores in violation of Pub. L. 89–90, and of House Resolution No. 294, 88th Congress, and House Resolution No. 7 of the 89th Congress.

Also, the Select Committee found that Mr. Powell wrongfully and willfully appropriated $214.79 of public funds to his own use by allowing Sylvia J. Givens to be placed on the staff of the House Education and Labor Committee in order that she do domestic work in Bimini from August 7 to 20, 1966, and in that he failed to repay travel charged to the Committee for Miss Givens from Miami to Washington, D.C.

The Select Committee also found that Mr. Powell wrongfully and willfully appropriated $72 of public funds by allowing the Committee's air travel cards to be used for the purchase of air transportation for his son (Adam Clayton Powell III), a member of his congressional office clerk hire staff (Lillian Upshur), and for personal friends (Pearl Swangin and Jack Duncan), none of whom had any connection with official Committee business; and $461.16 of public funds by giving to Emma T. Swann, a staff receptionist, airline tickets purchased with a Committee credit card for three vacation trips to Miami, Florida, and return to Washington, D.C.

In addition, the Select Committee found that during his chairmanship of the Committee on Education and Labor, Mr. Powell falsely certified for payment from public funds vouchers totaling $1,291.92 covering transportation for other members of the Committee staff between Washington, D.C. or New York City and Miami, Florida, when, in fact, Mr. Powell and a female member of the staff had incurred such travel expenses as a part of their private travel to Bimini.

Recommendation No. 3 of the Select Committee is that as punishment $40,000 be paid by Mr. Powell, to be collected by deductions from salary payments otherwise due him at the rate of $1,000 per month, and that the amounts collected be offset against any civil liability of Mr. Powell to the United States with respect to the indicated overpayments set forth in the Committee's findings.

The report of the Select Committee states that simultaneously with the filing of its report and the hearings in connection therewith it is forwarding copies of its hearings, records, and report to the Department of Justice for prompt and appropriate action with the request that the House be kept advised in the matter. We assume that the Department of Justice in reviewing the matter will take into consideration the appropriate statutes of the United States including the statute dealing with false claims against the Government set forth in 31 U.S.C. 231.

We trust the foregoing will serve the purpose of your inquiry.

Sincerely yours,

(Signed) ELMER B. STAATS,
Comptroller General of the United States.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, the time has come for the House to act on ADAM CLAYTON POWELL.

While I respect the recommendations of the special committee which investigated, I must say I think this report is morally defective. The people of America are outraged, especially since the committee report spelled out POWELL's improprieties and misuse of public funds.

The committee seems to take the position that denying POWELL a seat on the basis of his improper actions would simply mean speedy reelection and furthermore, obviously it attempts to avoid a court test of how far the House of Representatives can go in disciplining its Members and judging qualifications of Members-elect.

There may well be constitutional restraints on Congress, but the public expects, as has been done in the past, the crime of payroll padding and misuse of travel funds to be punished. Also, I think the public has been outraged at POWELL's contempt of both the courts and Congress itself.

Great harm has been done to the institutions of government, and it seems to me a slap on the wrist in the form of censure, and a fine is not sufficient.

I voted to have Congressman-elect POWELL stand aside until his alleged crimes were investigated. Now, Mr. Speaker, the report shows the charges were substantiated, and I hope the Justice Department will act swiftly to bring this before the courts. In the meanwhile, the discredit and disrepute on our system of government is such that I feel ADAM CLAYTON POWELL should be denied his seat, and I am compelled to vote accordingly.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. WIGGINS].

Mr. WIGGINS. Mr. Speaker, the action to be taken today concerning the seating of ADAM CLAYTON POWELL is fraught with emotion and the troublesome legal issues are conveniently overlooked by some Members, just as those issues have been brushed aside by a large segment of the public.

The sole issue in the minds of many of my constituents, for example, is simple morality in government. Since the record before the House today abounds with facts which clearly demonstrate that Mr. POWELL has falsified official records and has misappropriated public moneys, my constituents quite logically conclude that he does not deserve to be seated in Congress under any circumstances. And I agree. He does not deserve to be seated. But that judgment does not come to grips with the more fundamental question: May an undeserving person nevertheless be entitled to a seat in Congress?

It is a regrettable fact that Members who will cast their vote today may take a pragmatic view of the issue before the House. I suspect that some will conclude that it is solely a matter of POWELL's seat or their own—that if POWELL is seated, public resentment will damage their own prospects for reelection. I can understand such a position since the reaction of my own constituents to my vote may in fact produce exactly that result. But I cannot agree that such a consequence justifies a legally indefensible vote.

The report of the Celler committee fully and accurately documents the "tragic disrespect for the judicial process" by POWELL and his "monstrous defiance of the law." The members of that committee properly concluded that such conduct "clearly brings great disrespect on the House of Representatives." Can any other Member who disregards the Constitution and the unchallenged legal precedents interpreting it so as to cast a politically popular vote do other than bring further disrespect to this body?

As I understand the question, Mr. Speaker, we are to decide: First, is Member-elect POWELL to be seated? And second, if so, what punishment, if any, is appropriate to the offenses committed by Mr. POWELL? On the first question, there can be no doubt that Mr. POWELL possesses the constitutional qualifications to be seated in this House. The select committee concedes this point. Those who have opposed seating Mr. POWELL have presented no compelling legal or factual basis upon which to rest any decision upon this first question other than the obvious one. Mr. POWELL is entitled to his seat. In reaching this conclusion, I confess some uneasiness about following a strict definition of the word "qualifications" rather than a definition which would admit of some discretion by the House.

For example, it is perhaps inconsistent that the Constitution would require a strict adherence to the three-factor-test of qualifications for seating a Member, and yet would permit broad and unlimited discretion in removing him after he has been seated. But my concern only underscores the complexity of the legal issue.

On balance, I am persuaded that an affirmative vote to seat Mr. POWELL is not only legally correct, it is in the long-range interest of good government as well. To appreciate the profound impact of a negative vote as a precedent, it is absolutely necessary to divorce the question from the personality, ADAM CLAYTON POWELL. We should concern ourselves with the fundamental questions:

> Should a representative body have the discretion to veto the decision of the electorate as to membership in that body? If such discretion is deemed advisable, should it be absolute or subject to qualifications, and if so what qualifications?

The questions I pose, Mr. Speaker, are not new. These same questions were debated by the framers of the Constitution and their answer was that our representative government can best be protected by severely limiting the power of Congress to exclude a Member. I commend to my colleagues the authoritative work of Prof. Charles Warren, "The Making of Our Constitution," for an illuminating discussion of this subject. I might add, Mr. Speaker, that as a member of a minority party, I have good reason to reject the notion that my seat is subject to the whim of the majority of seated Members.

I am convinced, Mr. Speaker, that if Mr. POWELL desires to be seated, it must be available to him. And his right to be seated under the facts of the case is unconditional. It is not dependent upon his acceptance of the punishment of this House. His right to remain a Member, however, may well depend upon acceptance of such punishment. In this connection, the distinction between the power to exclude a non-Member, and the power to expel a seated Member must be carefully drawn, just as that distinc-

tion is carefully drawn in the Constitution itself—compare article 1, section 5, clauses 1 and 2.

I am grateful to the scholarly members of the select committee for their careful research with respect to the power of Congress to punish a Member. It has, for example, thoroughly exploded the proposition that punishment must be limited to those acts of misconduct committed during the session in which punishment is inflicted.

The power to punish Mr. POWELL in this body after he becomes a seated Member thereof is established. I question, however, whether or not the resolution proposed by the committee exercises that power wisely. According to the resolution, Mr. POWELL is to be denied his seniority, to be censured, and to be limited in his clerk-hire privileges. This is severe punishment which is without precedent in the House of Representatives. But the conduct of Mr. POWELL is also without precedent to my knowledge and such punishment appropriately fits the offense.

But the resolution also seeks as punishment to require that Mr. POWELL pay to the Clerk of the House $40,000, said sum to offset any civil liability of Mr. POWELL to the United States of America. If the findings of the committee are correct that Mr. POWELL willfully and unlawfully appropriated public funds to his own use in the total sum of $46,228.48, the act of repaying a just debt is not punishment at all. If Mr. POWELL is to be punished by a fine—a proposition with which I totally agree—the fine should not offset his civil liability to the United States, but rather should be in addition to it.

In view of the real prospect of subsequent proceedings against Mr. POWELL by the Justice Department wherein criminal penalties and punitive civil damages may be in order, the failure of the committee to analyze its recommended fine of Mr. POWELL as punishment correctly, does not persuade me to oppose the resolution.

Finally, Mr. Speaker, a word needs to be said in defense of the charge that the action to be taken today is motivated by racial bias against Mr. POWELL as a Negro. I cannot believe that a single Member of this House is so motivated and the distinguished gentleman from Michigan [Mr. CONYERS] who is a Negro and who served ably on the select committee has specifically negated this charge. But the complaint persists.

It may be idle to reply to those who have no interest in listening, but we should try. To the concerned and objective citizen who may suspect racial overtones in the House action today, we can only refer to the facts: Mr. POWELL is a Negro; he has falsified public records; misappropriated public funds; shown contempt for this House; and disrespect of the courts. He is to be punished. That such punishment is founded upon the one fact that he is a Negro is nonsense. And the dissemination of such nonsense by a few who are themselves Negroes is in itself a racially biased act of the lowest order.

Mr. Speaker, it is at times such as these that one must put the strength of his constitutional convictions to the test. I urge an affirmative vote on the previous question and on the pending resolution.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Speaker, we are in the midst of emotional speeches, and angry feelings, sometimes bitter. This House of Representatives should be sitting in judgment as a court, and should not be influenced by prejudice or emotion.

For my part I would feel better if more were being said by the Members allotted speaking time that gave a more balanced view of Mr. POWELL's service as a Congressman. Mr. POWELL did accomplish much in the fields of education, labor, and social legislation, for which he will be long remembered.

We should not quickly vote the previous question which cuts off debate and prevents other solutions to be offered by Members. We should be reasonable and hear moderate as well as extreme proposals.

I will vote in opposition to the previous question on the recommendations of the special committee.

It is my opinion as an attorney of some years' experience that this resolution contains several violations of constitutional rights under the U.S. Constitution.

Special committee members have stated that even they do not feel that ADAM POWELL would accept the proposed extremely severe penalties. When this is the situation, House passage of the special committee resolution amounts to an indirect method of expulsion of a Member of the U.S. House of Representatives without the necessary two-thirds vote. This is contrary to principle and contrary to any Member's constitutional rights.

It should be noted that the resolution of the special committee on page 34 of the report under paragraph 3 states the $40,000 is to be paid to the Clerk of the House as punishment. I repeat as punishment and not as restitution. But the last sentence of paragraph 3 certainly mixes it up.

The Sergeant at Arms of the House is directed to deduct $1,000 per month from the salary otherwise due. Is this payment taxable by the U.S. Government, or the State of New York? Or is it after tax deductions? The report is indefinite, hence the amount is indefinite.

It is clear that this deduction is to continue while any salary is due while continuation of membership in the House. As $40,000 cannot be deducted in the remainder of the 90th Congress, it is plain that this restriction of payment is invalid for the 91st Congress and any succeeding Congress. This Congress cannot legally bind the hands and decisions of any succeeding Congress, or future Member. Such proposal must be rejected, and as the provision is not separable, nor is there any specific provision for separability, the whole must fall.

In addition it is very poor procedure to have the House interfere in a Member's legally authorized salary, to have the Sergeant at Arms intervene to collect even his just debts—where does this authority stop? Is this deduction not illegal if the Member objects.

The amount of the fine or penalty certainly has no logical or arithmetic justification and must therefore be deemed to be an arbitrary figure. No special committee member has proved it to be reasonable under the circumstances to this point. What is the method of setting this high amount, and what are the House, the legal, and constitutional limits of this procedure—what of due process? Nobody knows.

If this amount is partially a contempt fine or penalty, what are the procedures for contempt of Congress, through the Attorney General, the courts and jury, or our House action on such resolutions?

If this proposed amount is in reality an approximation of restitution, as some committee members have openly stated. then this procedure as punishment is clearly wrong. The remedy is a suit in the Federal courts with a judicial decision on the amount, with opportunity for hearing of the evidence, and judicial processes to be followed on issue joined.

Paragraph 2 of the resolution of the special committee is clearly in error and unconstitutional, with all due respect, I must firmly state that the opinion on paragraph 2 is not unanimous even on the Republican side. With all due respect I disagree strongly with the statement of our minority leader and other Members, that any Member can be placed in custody on the floor of the House, where no disturbance, threatened violence, injury, or breach of the peace of the House is concerned.

The Sergeant at Arms can bring Members to the House under direct authorization, but that officer certainly has no power to bring a Member once on the floor, in custody and restraint, as a prisoner or restricted Member if you will, to the bar of the House, or any other location. Can there be prisoner Members on the floor of the House, restricted Members in any degree over any other Members? I think not. It would be ludicrous to presuppose "an escapee" from the House floor, in case the Member asserted his rights as a Member, refused to be coerced or physically forced, and simply walked off the floor. There are constitutional provisions concerning the arrest or detention of a Member by lawful authorities. But these provisions certainly do not cover this novel procedure.

Gertrude Stein has said "A rose is a rose is a rose."

I repeat: "To me, a Member is a Member is a Member!"

I had hoped against hope that ADAM POWELL in the interest of his friends in this House, would appear today, to reason and to adjust, to make amends, to be heard on the past and for future plans. He has such legislative ability and friends over the years before these difficulties, that his many years of previous service could be taken into account, and weighed in the balance by the Speaker, the House leadership of the majority and the minority, in making further recommendations to this House.

The gentleman from New Hampshire, the former Republican Governor of New Hampshire [Mr. WYMAN] has made legal

points upon an impartial point of view that should be carefully considered. Views of calm and reasonable Members should be considered at length, and full discussion had on various proposals from the floor, with amendments being presented freely, without debate being closed forthwith and amendments cut off by passage of the motion for the previous question. This House should not be forced into the adoption of the extremes without adequate discussion and full debate. I will vote to keep open the debate by voting against motions for the previous question.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DELLENBACK].

Mr. DELLENBACK. Mr. Speaker, ladies and gentlemen of the Congress, all men in their lifetimes perform many tasks. We fill many roles. I think that there is no question today but that the role that is being filled by the ladies and gentlemen of this Congress is an important one and for many of us it is a rare one. The role that we fill is a role that is established by a section of the Constitution to which there has been no prior reference today. I refer you to article VI of the Constitution, which reads in part:

> The Senators and Representatives . . . shall be bound by oath or affirmation, to support this Constitution . . .

Every one of us, every one of us on the floor of this Congress today took that oath on the first day of the Congress, January 10 of 1967. I suggest to every one of you that took that oath with me on January 10 that the basic issue before us today is not whether we are going to seat or not seat ADAM CLAYTON POWELL. The basic issue that we really face today is whether this is a government of laws and whether we who took this oath, whether trained in the law or not and whether you serve in this Congress as a lawyer or come from a different professional or trade background, whether or not you are prepared to measure up to sustaining and supporting the Constitution of the United States.

I state to those of you who are not trained in the law that there is a major distinction between determining the qualifications of Members of this Congress and judging the qualifications of Members of this Congress.

If we were meeting today as a constitutional convention, I think we could possibly write into the Constitution different qualifications. We might add to the qualifications of age, citizenship, and inhabitance other qualifications. However, this is not our task today. Our task today is to judge whether somebody who has been elected as a Member of this body meets the qualifications that are spelled out in the Constitution.

It has been argued today by some that in addition to the express conditions which are spelled out in this Constitution there are certain implied qualifications and that anyone who would sit in this body should also be not a thief and should be free from crime and so on and on we might go. However, ladies and gentlemen, those conditions are not in the Constitution.

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. DELLENBACK. Let me say this: The select committee established to study the case of ADAM CLAYTON POWELL brought out clearly the fact that POWELL's behavior has been atrocious. He has abused the trust reposed in him. He has lied. He has stolen. He should be punished severely.

But—except as was done on January 10 when, in order to determine the facts, we temporarily refused to administer the oath to POWELL—it is my opinion that, based on the findings of the special committee of the House, the Congress does not have the constitutional authority to exclude POWELL from membership in the 90th Congress. To do so for the reasons cited constitutes the addition of some additional qualification—of vague and uncertain dimension—to the qualifications spelled out in the Constitution. Such action would be most unwise and fraught with tremendous danger for the future of this Congress.

If we seek to add today to this Constitution any single additional qualification, we play with trouble for the future. We do not dare to do this, because if we seek today in our wisdom to add this qualification, then who knows what bodies in the future will add.

So far as whether we should support this report of the committee, I think we should. This judgment is severe. The road is always open if there be further dereliction on the part of the gentleman from New York, to punish again in the future. I think we should support the previous question and I think we should support this committee today which we have charged with a task that they have performed so ably and well.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida [Mr. PEPPER], a member of the select committee, for the purpose of debate only.

Mr. PEPPER. Mr. Speaker, it has been a difficult moral struggle for me to determine whether under the circumstances I should say anything at all today or not.

Mr. Speaker, I have the most profound respect for the distinguished chairman of the select committee, the gentleman from New York [Mr. CELLER], with which our committee had the honor to serve.

Mr. Speaker, I have never served with a group of gentlemen who pursued their difficult tasks and who tried to bear their onerous burdens with more dedication and devotion, than did the members of this select committee.

Mr. Speaker, I am always immeasurably honored by any expression of confidence from the distinguished Speaker of this House of Representatives, the illustrious gentleman from Massachusetts [Mr. MCCORMACK].

So, Mr. Speaker, I was reluctant even to express my own deeply felt convictions, lest they might be taken as a token of disloyalty either to the Speaker or to the chairman or to the fellow members of this select committee on which it was my duty to serve.

But, Mr. Speaker, I do feel, with all my heart, that we are concerned with problems far more grave and issues far more grievous than our sensibilities or even our indisposition to express our opposition to those whom we so highly esteem the honor and the integrity of this House.

Nor, Mr. Speaker, could I remain silent and not publicly express my gratitude for the generous words which were spoken of me by my eminent colleague and friend on that select committee, the able gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, every member of that committee was deeply impressed not only by the gentleness but by the character of the able gentleman from Michigan [Mr. CONYERS], and how earnestly he sought to perform tasks more difficult for him than even the remainder of us on that select committee.

Mr. Speaker, finally I did sign the committee report, because the expressions of those recommendations were the only consensus at which we could arrive in the committee.

But, Mr. Speaker, I moved that the committee should recommend to this House the seating and then the immediate expulsion of the gentleman from New York [Mr. POWELL]. That motion was voted down.

Then, Mr. Speaker, I moved that the committee recommend that the gentleman from New York [Mr. POWELL] be excluded. That motion was voted down.

Finally, Mr. Speaker, I agreed to sign the report, as the only consensus at which we could arrive, and upon the kindness of the committee in agreeing to insert on page 33 of the report the words:

> Representative PEPPER feels strongly that Mr. POWELL should not be a Member of the House.

Mr. Speaker, I do feel that way. I feel that was because of the findings which the committee itself has made as to the official misconduct of Mr. POWELL.

Can anyone imagine the Speaker of this House being associated with such conduct? Can any Member imagine the chairmen of any committees of this House for 5 years keeping his wife on the payroll, permitting her only for the span of 2 months out of a total period of 5 years to receive her own check coming out of the Treasury of the United States and in all that time having those checks forged, as to endorsement, and deposited in his personal account, and by means of this subterfuge misappropriating 20-odd thousand dollars a year of the money of the taxpayers of this country?

Mr. Speaker, can anyone imagine another chairman of a committee traveling for personal purposes at his committee's expense under an assumed name and deceiving the auditing authorities, and in so doing not by inadvertence but by design?

Can any Member imagine another chairman exhibiting the contumacious conduct toward the courts of his State which the Representative-elect Mr. POWELL exhibited toward the courts of New York?

Does it inculcate national respect for law when a prominent lawmaker flouts

the law, and the authority of the courts? Mr. Speaker, I do not feel that it does.

I will say, Mr. Speaker, that I have studied carefully the constitutional question, and I am convinced that Madison and Hamilton, particularly, and the other framers of our Constitution, never intended to accord to either House of Congress the power to prescribe the qualifications of either an elector of Congress, or those elected to the Congress.

That is the reason that I thought the proper way to set the proper precedent, and to correct the ambiguity and the conflicts of the precedents of this House and of the other body, was to establish a course that when a man met the three constitutionally prescribed qualifications and was duly elected, that got him into the door of this House, but that he stayed here dependent upon the suffrance of two-thirds of the Members.

The Members of each House were given an unlimited, unreviewable, omnipotent authority to oust at will. The only safeguard was the requirement of two-thirds, and it was Madison who offered the amendment which was adopted in the Convention requiring two-thirds of the Members of each House to expel a Member.

Mr. Speaker, I shall not vote for the previous question because I believe that this recommendation ought to stand on its own merits, and it ought to be open to amendment by Members of this House. And if the opportunity affords, I still shall offer an amendment that Mr. POWELL be seated and expelled. But if I find I cannot offer such an amendment to remove Mr. POWELL—as I think he should be—from this House, I shall vote, in accordance with the several precedents of the House, however they may be open to constitutional question for his exclusion.

The moral issues involved here demand such action by this House.

Mr. MOORE. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota, and a member of the committee, Mr. MACGREGOR, for the purpose of debate only.

Mr. MACGREGOR. Mr. Speaker, it is obvious that the politically expedient thing for our select committee to recommend was ADAM CLAYTON POWELL'S exclusion. This would have been highly popular in the emotionalism of the moment. Emotionalism is rampant in the communications addressed to each Member of this body. It is clearly evident in the cloakrooms. It has manifested itself today on the floor of the House of Representatives.

ADAM CLAYTON POWELL'S morals are shocking, his conduct is revolting, his character is disreputable, and he has repeatedly insulted the Members of this body—and the House of Representatives as an institution. I readily agree that his misconduct has been gross and his behavior disorderly in the extreme.

Then why not exclude Mr. POWELL? Why not bar the door of the House to his entry? Why not disregard his Certificate of Election?

Our committee meticulously developed the facts with respect to Mr. POWELL'S constitutional qualifications. We find by the overwhelming weight of the evidence that he was indeed an inhabitant of New York on election day last fall. The people of his district by a huge majority have indicated that they want him to represent them. This is a precious right of theirs, guaranteed by the Constitution and many precedents, which we must not angrily sweep aside.

The debates in the Constitutional Convention make it crystal clear that Madison and others of our Founding Fathers intended that the qualifications enumerated in the Constitution of age, citizenship, and inhabitance should be exclusive. I believe it is the best course if we limit our power to judge to a determination that a Representative-elect has those qualifications.

Many of you in this Chamber have joined me in criticizing the Supreme Court for its broad constructions of the Constitution. We have called for strict interpretations, and will again. How anomalous it would be for those of us in this Chamber who have berated the Supreme Court for its broad constructions of the Constitution to now act on the question of Mr. POWELL'S exclusion under the broadest interpretation possible.

It has been suggested that we require Mr. POWELL to continue to stand aside until he purges himself of contempt in the New York courts. To do so would deny indefinitely the fundamental right to congressional representation of one-half million people.

Our recommended punishment is unprecedented in its severity. No one in the entire history of the U.S. Senate or House has been punished so harshly as we ask that Mr. POWELL be punished. And if Mr. POWELL does not appear by March 13 to take his punishment, then under the terms of our recommended resolution his seat will be declared vacant.

There is no final determination of the fraudulent transfer lawsuit and the criminal contempt citation that flows from his contumacious conduct in that litigation. The fraudulent transfer action in the court of New York is on appeal, and we cannot say when it will be concluded.

We have recommended the exercise of our punishment power. That power includes the power to expel. If we exercise our expulsion power today, we cannot later inflict upon Mr. POWELL items of punishment predicated on the same grounds which now support his expulsion.

If our resolution is adopted and if Mr. POWELL does not appear and thus subject himself to the punishment recommended—or if he resigns—and is then reelected, he returns to this Chamber subject to every item of punishment that we recommend.

If you expel him, however, you have exhausted the punishment power of the House for the official misconduct found by our select committee.

It is my earnest hope that our committee's work will spearhead the establishment of a permanent Committee on Standards and Conduct. That has been a longstanding objective of mine and it has been the earnest wish of many of you on both sides of the aisle. It is the position of the House Republican leadership.

I sincerely feel that the adoption of the select committee's recommendations is the best way to advance the objective of a Permanent Committee on Standards and Conduct with enforcement powers to deal with all types of official misconduct charged against any Member of the House.

Mr. Speaker, I trust the action we take will be valid today and instructive to future generations.

Let us now look to the past for guidance.

I have a great and high regard for the judgment of the late Senator Robert Taft of Ohio. When the Senate in the early forties was considering the exclusion or expulsion of Senator-elect Langer, of North Dakota, Senator Taft took the floor of the Senate. The Langer case involved charges of shocking immorality, disreputable behavior and insults to the high public offices that Senator Langer had held. The Langer case is surprisingly similar on its facts to the case we now have before us.

Here is what Senator Taft said in urging that Langer be seated:

> If the Senate can say that the absence of moral turpitude is a qualification, it can impose qualifications based on morals * * * or the philosophical views of any person elected * * *. The existence of such a power would give the majority of either House the ability to exclude those who disagreed with the opinions of the majority * * *. It is my belief that Section 5 of Article I was only intended to make each House the final judge of whether a man was properly elected and whether he met the qualifications prescribed by the Constitution itself.

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

Mr. MACGREGOR. I respectfully decline to yield. I only have a few seconds left.

I urge you, my colleagues, to harken to the words of Senator Bob Taft and adopt the philosophy of strict construction. Ours is a constitutional government of laws, not an emotionally influenced government of men.

The SPEAKER. The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. JACOBS] for the purpose of debate.

Mr. JACOBS. Mr. Speaker, those who do not study history are ill equipped to make it.

One lesson of history is that those of authority who have made historic decisions on the basis of the emotions of the moment, quite often were the ones who hindered our heritage of freedom.

At about the midpoint of the 18th century John Wilkes, a member of Parliament from the Middlesex district of England, was convicted of the crime of libel. Wilkes was then expelled by the Parliament. The voters of his district reelected him four times and on each occasion the Parliament voted against seating him.

The Parliament disagreed with the people of his district and the Parliament decided it had the final word. But a little over 10 years later the Parliament decided it had used the wrong words because it voted to expunge from the record the entire proceedings. That was the important point of the Wilkes case, and

I believe it is the important historic point of this Adam Powell case.

Mr. Speaker, as clearly reported, we of this select committee found wrongdoing on the part of Mr. POWELL, serious wrongdoing, including payroll and expense padding. As to the law, we found jealous regard in the Constitution for the fundamental right of the people of a congressional district to choose their own Representative without permission from the people of any other congressional district; and we found that in this case the better part of wisdom is to preserve a fundamental right of freedom by not setting aside the choice, wise or unwise, of the people of Mr. POWELL's district.

Each Member of Congress is two persons at the same time. He is at once a Member of the institution of Congress, and also a Representative of a congressional district.

Mr. Speaker, we concluded that Mr. POWELL is not entitled to the things that this House has to give. And what can this House give? It can give a committee chairmanship. It can give seniority. It can give a salary. And it can give its respect.

Since the House can give these things, and since Mr. POWELL has deeply offended the House, we recommended that the House take away from Mr. POWELL what the House has given him.

We recommended that the House take away the committee chairmanship, the seniority, the salary, and, saddest of all, we recommended that the House take away its respect for Mr. POWELL by censure.

But, Mr. Speaker, there is one thing that the House cannot give, and that is an appointment to represent the people of the 18th District of New York. This is the one office for which no Congress, no Governor, only the governed can make a choice.

The Constitution clearly allows the Congress to veto that choice, once that choice has been honored by seating the Representative, as the gentleman from Florida [Mr. PEPPER] has pointed out. But this is where the matter of wisdom comes in.

In my judgment the better part of wisdom cries out against tinkering with the fundamental right of the people to choose their Representative by assessing the same veto of the voters' choice in the case of payroll padding that would be assessed in the case of treason.

Finally, Mr. Speaker, we are not holding a popularity contest. We are not even deciding criminal or civil penalties. Other courts will decide those matters. But we do sit as a kind of a court nevertheless. And if we kick aside the right of the people to choose their own Representative, so long as he is a loyal American citizen of age and proper inhabitancy, whether we decide he is a good guy or a bad guy, if we kick aside their right to make this judgment in this case, we might just be dropkicking history out the window.

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. FORD].

The SPEAKER. The gentleman is recognized for 2 minutes.

Mr. GERALD R. FORD. Mr. Speaker, I am extremely proud of the debate that has taken place here today. It has done great credit for the House of Representatives.

Obviously, we have deep differences based upon conviction. I will respect anyone who votes differently from myself. But I do have deep feelings of my own that the recommendations of this committee should be approved.

As all of you know, I was the author of the resolution that resulted in the appointment of this select committee. It provided that ADAM CLAYTON POWELL should stand aside, which he has during this interval. It provided that the committee should fully investigate the many allegations, and funds were provided for that purpose. It provided for a hearing for the accused.

He did appear. He did not appear as many of us would have wanted him to, to explain or defend his conduct, but he did exercise the right that he had to appear. His appearance before the committee was based on the recommendations of his legal advisers.

The resolution also provided that this committee should come up with findings and recommendations. After reading their record, after analyzing their findings, after seeing what they have proposed, I am going to vote for the resolution without any hesitation, qualification, or reservation.

I know the Speaker was as careful as I was in selecting people to serve on this committee. The gentlemen on our side were ARCH MOORE, of West Virginia, a man long experienced in the law, both in private practice and as a member of the Committee on the Judiciary; the gentleman from California, Mr. TEAGUE, who has a fine record as a private practitioner and who is a man of integrity in the House of Representatives; the gentleman from Minnesota, CLARK MACGREGOR, who is an able lawyer both in private practice and as a Member of the House; and the gentleman from Wisconsin [Mr. THOMSON], who for 6 years was the attorney general of the State of Wisconsin, and for two terms its Governor. These men were as fine as we could find in our midst. They have labored hard. They have avoided the pitfalls of passion. They have not taken the easy course.

In my judgment, they have come up with recommendations that will stand the test of time, as a precedent for subsequent Congresses, long after all of us—and each of us—have left.

I believe we owe a debt of gratitude to these men. I feel very strongly that they are right. I hope and trust we will not be guided by what might be the most popular thing to do today. That would be the easy course. I believe we must look down the road and see what our action today will be as a precedent for the future.

I do not admit that we do not have the authority to exclude the gentleman from New York. I believe we well may have that authority. But by following the dispassionate, conscientious course of action recommended to us by these nine men, we can have a clear conscience, knowing that we have done what is right from the point of view of our House of Representatives.

I recommend strongly the approval of this resolution and a vote for the previous question.

However, in this debate and in this vote I am not passing on the constitutional question of the right of Congress to exclude a Member-elect. I know that many others feel as I do with respect to this important and basic question. The committee in its report did not treat with this issue one way or the other. It would appear they considered only the facts relating to the Member-elect and then on the basis of these facts recommended what I believe is a fair disposition of this most difficult case.

Unfortunately, during the course of this debate, statements have been made which would indicate, if not challenged, that this Congress has the power to exclude a Member-elect only if such Member-elect does not satisfy the three constitutional qualifications. I do not believe that the historical record or the precedents of this House support this conclusion. For example, the majority report in the Brigham H. Roberts case dealt with this problem in great detail. I believe the conclusion that they reached and the reasons for that conclusion are as valid and appropriate today as they were then. In this report in support of the conclusion that Congress did have the right to exclude, it was stated:

FIRST—ON PRINCIPLE

As to the first proposition, what is the argument on principle? We think it will be undoubted that every legislative body has unlimited control over its own methods of organization and the qualifications or disqualifications of its members, except as specifically limited by the organic law. We do not think that this proposition needs amplifying; it is axiomatic. It is apparent that every deliberative and legislative body must have supreme control over its own membership, except in so far as it may be specifically limited by a higher law; there is a distinction to be drawn between the legislative power of a legislative body and its organizing power, or those things which relate to its membership, and its control over the methods of performing its allotted work. That is to be distinguished from the legislative power to be expressed in its final results.

When our Constitution was framed there was practically no limit to the right and power, in these respects, of the English Parliament. Such power is necessary to the preservation of the body itself and to the dignity of its character. In England it was at one time admissible to permit the admission into the House of Commons of minors, or aliens, and of persons not inhabitants of the political subdivision in which they were elected. To this day it is well known that an inhabitant of London may be elected by a Scotch constituency, and a member has been elected by more than one constituency to the same Parliament.

The framers of the Constitution, familiar with these facts, proposed to prevent their happening in this country. They knew also that a similar latitude of choice had been exercised in the original colonies and in the States of the Federation, and it was proposed to put a stop to it so far as Congress was concerned. A very luminous argument was made on this subject by John Randolph in the House of Representatives in 1807.

We quote as follows from his remarks: "If the constitution had meant (as was contended) to have settled the qualifications

of members, its words would have naturally run thus: 'Every person who has attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives.' But so far from fixing the qualifications of members of that House, the constitution merely enumerated a few disqualifications within which the States were left to act.

"It is said to the States, you have been in the habit of electing young men below age; you shall send us none but such as are five and twenty. Some of you have elected persons just naturalized; you shall not elect any to this House who have not been some seven years citizens of the United States. Sometimes mere sojourners or transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants."

In pursuance of the idea in the mind of the framers of the Constitution, we have the peculiar words "no person shall be a Representative who shall not have attained, etc." How happy indeed are these words if we give them precisely the force and meaning for which we contend. How unhappy and how misleading, how impossible, in fact, to the masters of the English language who wrote them, if they were intended to exclude all other possible requirements or disqualifications. We might admit such construction if suitable language was difficult to find or frame; but note how easily such a purpose could have been served in fewer words and with unmistakable meaning. Thus, "Any person," or "a person," or "every person may be a Representative who shall have attained the age of twenty-five years," etc.

The provision seems to be worded designedly in the negative so as to prevent the suspicion that it was intended to be exclusive, and so as to prevent the application of the rule, "the expression of one thing is the exclusion of another." The immediately preceding clause is affirmative, and says: "The electors in each State shall have the qualifications," etc. With some show of propriety it can be claimed that this provision is exclusive. It at least does not have the negative form to condemn such construction.

Story says (Constitution, sec. 448):

"The truth is, that in order to ascertain how far an affirmative or negative proposition excludes or implies others, we must look to the nature of the provision, the subject-matter, the objects, and the scope of the instrument. These, and these only can properly determine the rule of construction. There can be no doubt that an affirmative grant of powers in many cases will imply an exclusion of all others."

It is a notable fact that in the first draft of this constitutional provision which provides for qualifications of Representatives in Congress, the language was affirmative and positive, and that when it was finally presented for adoption it appeared in the form in which we now find it.

The slight contemporaneous discussion in the Constitutional Convention was upon the provision in the affirmative form. Why was it changed in the negative? Surely not for the sake of euphony. And certainly not to make it more explicitly exclusive.

In the report of the committee of detail, submitting the first draft of the Constitution, this section read in the affirmative and as follows:

"Every member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which shall be chosen."

In the discussion Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he—"was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions."

Mr. Wilson took the same view, saying:

"Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters."

The next day after this discussion, and when the clause respecting age, etc., had in its general sense, been informally approved, a proposed section respecting a property qualification was discussed. Mr. Wilson said (Madison Papers, vol. 5, p. 404) that he thought "it would be best, on the whole, to let the section go out; this particular power would constructively exclude every other power of regulating qualifications." What did Mr. Wilson mean if the result of the discussion in which he participated on the preceding day was to "constructively exclude every other power of regulating qualifications?"

In view of the objections urged by Dickinson and Wilson and their opinions as to the construction that would result and the consequences thereof the conclusion seems reasonable, if not absolutely irresistible, that the change from the affirmative to the negative form was intentionally made, and with the very purpose of obviating such objections, and hence that in being negatively stated it was considered by the convention that the particular qualifications mentioned would not be exclusive and would not render impossible the "disqualifying odious and dangerous characters" and would not prevent "supplying omissions."

This section was finally reported and adopted in the negative form in which it now appears. The report of the committee seems to have been elaborately discussed.

I believe it is also important to note that on four different occasions this House after long and careful consideration voted to exclude a Member-elect. This is a well-established procedure, and it was contemplated as a possible alternative by the resolution that I offered and which was adopted on opening day. It was contemplated at that time that the nine-member committee after carefully studying the facts could come back with one of four recommendations. The committee could recommend:

First. That the Member-elect be excluded.

Second. That the Member-elect be seated and then expulsion proceedings be commenced.

Third. That the Member-elect be seated and disciplined.

Fourth. That the Member-elect be seated unconditionally.

Also, as part of this resolution, the Member-elect was ordered to stand aside and not be seated pending the outcome of this investigation at the recommendation of the committee.

Therefore, the adoption of this resolution in and of itself asserted the right of Congress to exclude a Member-elect. When the resolution was adopted by an overwhelming vote, the Member-elect was excluded for a period of 5 weeks, and he is excluded today pending the outcome of this debate.

Mr. MOORE. Mr. Speaker, in order to conclude the debate in the time that is left, I feel to exclude the Member-elect from the State of New York can very well bring crashing down upon the shoulders of this House the Constitution of the United States. To expel the Member-elect from the State of New York, I say to the House, is a one-time effort that we have available to us, and if his constituents reelect him, he returns to us without any reservations. If we give great weight to the matters under litigation in the State of New York in the decision we make, where the matters therein are still pending, on appeal, I caution that at some future time the court may reverse itself or could determine that the gentleman or Member-elect from the State of New York has a further right not yet accorded him, this will leave this House in a place of great jeopardy.

If you defeat the motion that we have presented to the House, the Member-elect, I say, to the House, will at some future time be returned to this House of Representatives to sit among us with all of the elements of punishment, which we seek to administer, wiped out and no redress available to us.

He would be free to enjoy the same privileges, have the same seniority as enjoyed by any Member who has been a Member of this body for 12 terms.

Mr. Speaker, I believe that this resolution is the wisest and the most permanent way the Members of this House can write a final chapter to the problem presented us by the Member-elect from the 18th District of New York, Mr. POWELL, and I believe a final chapter in the legislative life of that Member-elect.

I urge the ordering of the previous question and the adoption of the resolution.

Mr. CELLER. Mr. Speaker, in conclusion I want to refer to the former distinguished Member from Missouri, Clarence Cannon. He, in his very excellent volume, "Cannon's Procedure in the House of Representatives," has a quotation from the "Merchant of Venice" which is very pertinent to the situation at present.

In the frontispiece of that very fine book of the late lamented Clarence Cannon, he illustrates by the quotation from the "Merchant of Venice" the folly of establishing a bad procedure to accomplish what at the moment may seem to be a desirable objective.

This is the quotation:

BASSANIO. And I beseech you wrest once the law to your authority; to do a great right, do a little wrong.

PORTIA. It must not be; * * * 'twill be recorded for a precedent, and many an error by the same example will rush into the state.

There is indeed temptation in this case to inflict the uttermost penalty rather than, in my opinion, to do justice—justice in terms of today's setting, and for the future.

Our resolution seeks to do justice.

It is difficult to banish emotion and prejudice against the Member-elect today, but we must do so if we would avoid plaguing this body in the future.

The SPEAKER. All time has expired.

Mr. CELLER. Mr. Speaker, I move the previous question on the resolution and its preamble.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 222, not voting 8, as follows:

[Roll No. 22]

YEAS—202

Adams
Addabbo
Albert
Anderson, Ill.
Annunzio
Arends
Ashley
Ayres
Barrett
Bates
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bolton
Brademas
Brasco
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Cederberg
Celler
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corman
Culver
Daddario
Daniels
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Diggs
Dingell
Donohue
Dow
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Farbstein
Feighan
Findley
Fino
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Giaimo
Gilbert
Gonzalez
Goodell
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Halleck
Halpern
Hanley
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Heckler, Mass.
Helstoski
Hicks
Holifield
Holland
Howard
Irwin
Jacobs
Joelson
Karsten
Karth
Kastenmeier
Keith
Kelly
Kirwan
Kluczynski
Kupferman
Kyros
Laird
Leggett
Lukens
McCarthy
McClory
McEwen
McFall
MacGregor
Madden
Mailliard
Martin
Mathias, Calif.
Matsunaga
Meeds
Meskill
Michel
Miller, Calif.
Minish
Mink
Monagan
Moore
Moorhead
Morgan
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill, Mass.
Ottinger
Patten
Perkins
Philbin
Pike
Pirnie
Pollock
Price, Ill.
Pucinski
Railsback
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Robison
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
Sandman
St Germain
St. Onge
Saylor
Scheuer
Schneebeli
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Sullivan
Taft
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Ullman
Vander Jagt
Vanik
Whalen
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Young
Zablocki

NAYS—222

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashmore
Aspinall
Baring
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Blackburn
Blanton
Bray
Brinkley
Brock
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Cabell
Carter
Casey
Chamberlain
Clancy
Clark
Clausen, Don H.
Colmer
Corbett
Cowger
Cramer
Cunningham
Curtis
Davis, Ga.
de la Garza
Denney
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Fisher
Flynt
Fountain
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Gibbons
Goodling
Gross
Gude
Gurney
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hansen, Idaho
Hardy
Harrison
Harsha
Hébert
Hechler, W. Va.
Henderson
Herlong
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Kazen
Kee
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
McClure
McCulloch
McDade
McDonald, Mich.
McMillan
Machen
Mahon
Marsh
Mathias, Md.
May
Mayne
Miller, Ohio
Mills
Minshall
Mize
Montgomery
Morris, N. Mex.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Pettis
Pickle
Poage
Poff
Pool
Price, Tex.
Pryor
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roudebush
Roush
Rumsfeld
Satterfield
Schadeberg
Scherle
Schweiker
Schwengel
Scott
Seiden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Okla.
Snyder
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Tuck
Utt
Van Deerlin
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Williams, Miss.
Williams, Pa.
Willis
Winn
Wydler
Wylie
Wyman
Younger
Zion
Zwach

NOT VOTING—8

Bow
Cahill
Dawson
Edwards, La.
Friedel
King, Calif.
Macdonald, Mass.
Morse, Mass.

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Edwards of Louisiana with Mr. Bow.

Mr. Macdonald of Massachusetts with Mr. Cahill.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CURTIS

Mr. CURTIS. Mr. Speaker, I offer an amendment as a substitute for the resolution offered by the committee.

The Clerk read as follows:

Amendment offered by Mr. CURTIS as a substitute for House Resolution 278:

"*Resolved*, That said ADAM CLAYTON POWELL, Member-elect from the 18th District of the State of New York, be and the same hereby is excluded from membership in the 90th Congress and that the Speaker shall notify the Governor of the State of New York of the existing vacancy."

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

Mr. CURTIS. Mr. Speaker, I yield to the gentleman for the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CELLER. Anticipating that the Member-elect from the 18th District of New York satisfies the Constitution, and a question is raised in this resolution, would the resolution offered by the gentleman from Missouri require a two-thirds vote, in the sense that it might amount to an expulsion?

The SPEAKER. In response to the parliamentary inquiry, on the amendment of the gentleman from Missouri [Mr. CURTIS], action by a majority vote would be in accordance with the rules.

Mr. CELLER. A further parliamentary inquiry, Mr. Speaker.

Mr. CURTIS. I yield to the gentleman from New York for a further inquiry.

Mr. CELLER. Insofar as the resolution of the gentleman from Missouri refers to the duration of the 90th Congress, if the Member-elect were to run again in the 18th District of New York and be elected, would the fact of the wording of the resolution preclude him from taking his seat?

The SPEAKER. That is a matter which the Chair cannot pass upon at the present time. That is a matter which, if it arises, would require consideration in the future by the House.

Mr. YATES. Mr. Speaker, is it in order to ask that the amendment be read again?

The SPEAKER. Without objection, the amendment will be reread.

The Clerk reread the amendment, as follows:

Amendment offered by Mr. CURTIS as a substitute for House Resolution 278:

"*Resolved*, That said ADAM CLAYTON POWELL, Member-elect from the 18th District of the State of New York, be and the same hereby is excluded from Membership in the 90th Congress and that the Speaker shall notify the Governor of the State of New York of the existing vacancy."

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. CURTIS. Mr. Speaker, first let me say I do intend, to the best of my ability, to yield to those who might want to discuss this proposal, but before doing so let me express concern again that this matter was not brought on the floor of the House under a rule, so that there could have been what I feel would have been the much more orderly debate, to which we are accustomed. Then we could have had general debate, amendments could have been offered and all the Members would have been privileged to take time under the 5-minute rule.

Getting back to the substance of this, this is a motion of exclusion. I can only say that there is some difference of opinion as to what vote is required on exclusion. During the debate on the resolution, for which this is a substitute, I advanced my own theory on what power was derived from the power of expulsion. I said that I felt the power of expulsion very clearly implied the right of exclusion. I do not see how anyone can argue very seriously against this implied power.

Also, if this is true, then in my own judgment exclusion would require a two-thirds vote.

Now, it is true—and I want to hasten to make this remark—there are some who feel a constitutional interpretation of the language does not require a reference to this additional power to expel. There are those who do hold that under the Constitution's clause on qualification itself this is something the Congress can do. I do not attempt to resolve that question for the Members of the House. I advance

the arguments as to implied power, and I feel very strongly these arguments are sound.

Now, if I may, let me discuss the basic issue as I see it, and as I have tried to present it during the general debate. I shall not prolong this.

I pointed out that I felt too much attention in the committee report and in the debate was directed toward punishing a person when I felt that the issue was an affirmative one, that is, what does the Congress do in order to preserve itself as a body qualified to represent the people and to study and deliberate in regard to legislation. This is what I think our attention should be directed toward. That is what the term "qualification" means; when we look at the power of expulsion we see that is why it was in the Constitution. It was to give to this body the right of protecting its integrity in respect to deliberation and decision.

Now, I respected the arguments of those who said, "Well, if you open this door, then you can have no end to its extensions." I respect Senator Taft's remarks, but that had to do at the time, mind you, with what was called moral turpitude. Senator Taft said that if you got into the question of moral turpitude, you could get into the question of religion. I responded by saying that there was no such opening of a door because in the Constitution there are other provisions that prohibit us from establishing qualifications along these lines. I said I thought this was a red herring and, indeed, I think it was one; because clearly in the Constitution there is an explicit provision which says you cannot deny a person any high office, whether in Congress, the executive branch, or the judicial branch of the Government on the basis of religious tests.

However, let us get back to the issue here. To what extent does this exclusion I am recommending here "open the door"? I think we have the specific case before us. We also have the specific cases in the past where expulsion was based on treason. I said I think that the gravamen of the offense we have in this case goes to the heart of basic order in any society; namely, stealing. This case also involves forgery. The limitation here is clearly the limitation in our criminal laws. There are criminal laws that describe the kind of offenses this committee found the subject in this instance had committed. These describe what are interdicted by criminal statutes—and on conviction, by the way, a person loses many aspects of his citizenship.

Further, Mr. Speaker, I argued that for this House to get itself into a position whereby it could not protect its own integrity, to the extent of applying these kinds of qualifications——

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I shall yield to the gentleman from California as soon as I finish my main argument—that it would be restricted in a very careful way by the criminal statutes that have been enacted. I, too, think that this body has to apply its own test on these violations. This is not a criminal action we are proposing to take here. We are proposing to simply relate it to the kind of offense and not relate it to whether he would be convicted or not.

Mr. Speaker, I am simply saying that we in this body, in interpreting in our branch of the Government the relationship of these same kinds of offenses have in respect to the judicial branch of the Government—and after a proper proceeding, and so forth, in convicting a person—that these acts must be viewed by this body in testing whether or not we would expel. And, Mr. Speaker, if we have the power to expel, of course we have the power to exclude for the same basic reasons.

Now, Mr. Speaker, let me go a little bit further and I will have finished all I want to say here.

Mr. Speaker, my deep concern in this area stems also from the work that six of your Members, elected to serve on the Joint Committee on the Organization of the Congress have been digging into in the past 2 years—and now it is going on 3 years—about what is necessary in order to make the Congress more effective. One will notice that many of the proposals that this committee—consisting of 12 members; 6 Democrats and 6 Republicans, and I happen to be the ranking Republican on this committee—has unanimously made bear upon this area.

The one thing I certainly want to call attention to, and which appears on page 45 in the final report of our joint committee, is that we recommend the creation of a Joint Committee on Congressional Operations, a very small group consisting primarily of the leaders. One of the things in our hearings and in our arguments, one will find, is the belief that the Congress needs, in effect, an attorney to be ever watchful of the powers of the Congress, particularly as they relate to the powers of the other two coordinate branches of the Government, the executive and the judiciary.

Mr. Speaker, time and time again we have seen the situation in a Supreme Court case where the congressional powers were at issue and the Congress was represented by the Attorney General. We, in effect, had no counsel of our own to plead amicus curiae in these various decisions what we in Congress, at any rate, thought were the arguments that established and bolstered the powers of the Congress.

Now, Mr. Speaker, I do not want to dwell upon that any further, other than to call attention to this question. In my judgment if an office like this were created, it would solve a great many of our problems and would solve a great many problems that confront the Congress from time to time, including the one pending before us right now.

Now, Mr. Speaker, what are the powers of the Congress in this area, and how do we best move in order to maintain and establish the dignity and integrity of the Congress?

I think that is the forthright manner in which to deal with this problem, because I reviewed what our committee was created to do, and that was to find the facts—whether, indeed, the allegations made back in January asking the gentleman to step aside were based on facts. Our committee found out what he would say if he were given an opportunity to appear before the committee. And the committee has found these facts in very strong language. I think these facts warrant his exclusion from this body—not to punish him—but in order to maintain the dignity and the quality of this so-important body that represents the people of the United States.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from California for the purposes of debate only.

Mr. BURTON of California. Mr. Speaker, if I understood from what the gentleman stated, he said that there were allegations made in this matter. Is the gentleman under the impression that the gentleman from New York [Mr. POWELL] was presented with a bill of particulars and allegations in that format, is that the gentleman's impression?

Mr. CURTIS. No. I do not think that they were actually in that format, but I think the evidence is very clear, and the members of the committee have so stated that the gentleman from New York [Mr. POWELL] was given every opportunity.

The gentleman had full knowledge of what the charges were, and he chose not even to assist the Congress in explaining what was done with the Congress' money.

Mr. BURTON of California. Mr. Speaker, if the gentleman will yield further?

Mr. CURTIS. I yield to the gentleman.

Mr. BURTON of California. In line with the comments of the gentleman from Missouri, there are other questions I should like to pose.

First, as I understood the gentleman earlier today, is it the gentleman's belief that the power to exclude is derived from the power to expel, and therefore requires a two-thirds vote?

Mr. CURTIS. In my judgment, yes.

But I do want to point out that there are others who feel that the power of exclusion still rests within this first section of the Constitution. I am not commenting on that one way or another.

Mr. BURTON of California. Just to clarify the gentleman's position, as I understand it, the gentleman made allusions to certain conditions which, if found as a matter of fact by this body, would be the equivalent of that felonious conduct if similarly found under the judicial system?

Mr. CURTIS. The gentleman is correct.

Mr. BURTON of California. In other words, if those acts which constitute a felony when found by the judiciary—are found by the House—it should be a basis for exclusion? Is that the gentleman's opinion?

Mr. CURTIS. Yes; that is very, very true.

Mr. BURTON of California. Then may I ask the gentleman that in arriving at any such conclusion, can we assume the gentleman would insist upon

due process as we understand due process being followed in this body in establishing those facts that would form the basis for such a finding?

Mr. CURTIS. The gentleman is now talking about something that is very close to my heart, and it is also in the recommendations of this Joint Committee on Organization where we have pointed out that the Congress has been derelict for years in not creating a committee of ethics which will establish a code, clearly, and at the same time establish the machinery for enforcing that code.

Mr. BURTON of California. Would the gentleman be more specific, because I know the gentleman and I have a great concern in this particular area, but I would like the gentleman to particularize it to this kind of situation.

Mr. CURTIS. No. My only answer here would be that the ad hoc committee—and I am pleased to be able to say this in the presence of the committee members, the Chairman included—I think the conduct of the proceedings by the ad hoc committee was exemplary. And I believe the rights of the accused in this instance were fully protected. And I believe the manner in which this investigation was conducted was in accordance with the highest traditions of our judicial courts, or of any other fact-finding tribunal.

Mr. BURTON of California. I have one final question:

I think, given the mission of the committee, the gentleman's statement is correct, but I think if the committee were an explicit factfinding commission, as concerning conduct that would be tantamount to a felony, I am sure that the gentleman would agree with me that anyone so charged should be given a bill of particulars, his counsel should have the right to cross examine his accusers, and he should have the power to call in witnesses of his own selection.

I am also sure the gentleman would agree with me that the very essential aspect of due process was not present in the select committee's deliberations because it was not part of their primary mission.

Mr. CURTIS. Let me say to the gentleman that he has stated what I hope we will establish. But let me say beyond that, that I do not think it is necessary for the Congress to do what he describes because we are not considering endangering the life and limb of any individual as one would be in a criminal court. We are talking about a precious privilege to serve in the Congress. This is not a right—it is a privilege. I think there is all the difference in the world between the two. I still would hope that we would establish these kinds of procedures, but I do not think it is necessary here.

Mr. BURTON of California. The gentleman and I are in complete and full agreement in the sense that we are dealing with rights and privileges—one of them being the right of a given constituency in this country to elect a person of their own choosing.

Mr. CURTIS. I will grant that because hardly enough of his constituency had any opportunity to know that a tribunal would make these kinds of findings. All that existed in his community were rumors. I do not know what they will do now that there has been a careful and sober judgment rendered here. I hope that the constituency will show the responsibility for the importance of law that every other district would.

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

Mr. CURTIS. I yield to the gentleman from West Virginia.

Mr. MOORE. May I say on that question, a careful review of the proceedings before the select committee will indicate, first, that the Member-elect from the 18th District of the State of New York was invited to appear on an unrestricted basis; was invited to produce witnesses in his behalf; was invited to tender testimony in his behalf—all of which he either personally or by counsel refused to do.

The precedents of the House in this particular area convey to us no specific responsibility. This was an extra effort on the part of the select committee to be fair. We do not have to grant to the Member-elect an opportunity to be heard. We do not have to grant the opportunity under the precedents to summon witnesses. None of these elements were present. But to assure him of that right of an adversary proceeding, the select committee placed in its findings and recommendations that this record in its entirety be sent to the Department of Justice in order that, in the event there was a violation of criminal law or of civil law, the executive branch would institute appropriate action in an appropriate court, so that at that time the individual would then, again, have the opportunity to produce witnesses in his behalf.

Now the select committee, I believe, was more than fair—especially when you take into consideration the fact that we had no ironclad rule by which we had to grant these rights to this Member-elect. But we did it and he refused it.

Mr. CURTIS. Let me respond to the gentleman from West Virginia by again emphasizing the fine manner in which, in my judgment, the House has acted as demonstrated by the remarks of its individual Members, and the fine manner in which this committee of ours conducted itself, and did its very best to afford all rights and protections to the individual. I commend you and I think we all appreciate that.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman for the purpose of debate only.

Mr. LONG of Maryland. As the gentleman knows, from my statement during the debate, I had intended to introduce an amendment to the resolution which would have stipulated "that ADAM CLAYTON POWELL, the Representative-elect from the State of New York, ought not to have or hold a seat in the House of Representatives; and the seat to which he was elected is hereby declared vacant." This language was taken from the resolution to exclude Brigham Roberts in 1900.

I wish I had been recognized to offer my amendment. But since I was not, it does seem to me the amendment of the gentleman from Missouri answers substantially the same purpose that my amendment would undertake to do.

I do believe we have full constitutional power to refuse a Member-elect a seat in the Congress.

I have not been impressed by the committee's argument that age, citizenship, and inhabitancy were the sole requirements.

It is my opinion that the Constitution clearly spells them out as minimum requirements, both because of its wording in article I, section 2, clause 2, and because article I, section 5, clause 1 goes on to state that:

> Each House shall be the judge of the elections, returns and qualifications of its own Members.

I support the gentleman's amendment and I hope it is adopted.

Mr. CURTIS. I want to thank the gentleman from Maryland and I would join with him in what he is doing.

Let me say something and this is a personal thing. I was pleased, because I do have such a high regard for him, to know that independently we have reached the same judgment about this.

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

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

Mr. HALL. I appreciate the gentleman's statement and his resolution. I rise in support of it.

I appreciate particularly what the gentleman said about the special committee of the 89th and the continuing resolution of the 90th Congress on "The organization of the Congress and its related agencies."

As to the question of constitutionality, let me submit to the gentleman and to the House that under 18 U.S.C. 203, there are two separate paragraphs that prove inviolably the constitutionality of the House legislating on its own Members. One is permissive and the other is mandatory. One states in part "shall be fined and shall be incapable of holding any office of honor, trust or profit under the United States."

The other paragraph states "shall be fined,"—and it gives a legitimate amount—"and may be disqualified from holding any office of honor, trust or profit under the United States."

That is the law of the land. I am referring to House Report No. 20, Union Calendar No. 1047, Resolution 1013, of the last Congress. It clearly establishes constitutionality of the House of Representatives legislating on its own membership, as does article I, section 5, paragraph 2.

Mr. CURTIS. I thank the gentleman.

I yield to the chairman of the committee, the gentleman from New York, 5 minutes, and if he needs more time, I shall be glad to yield him additional time.

Mr. CELLER. Mr. Speaker, I rise in opposition to the proposal to exclude Mr. POWELL from membership in this House by denying him the right to be administered the oath on a majority vote.

The Constitution expressly sets forth the qualifications for membership in the House of Representatives:

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. (Art. 1, sec. 2, cl. 2.)

This enumeration provides a clear standard for congressional judgment. By the very nature of its enumeration of qualifications, it is plain that the Constitution meant to exclude all others. In fact, the only other "qualification" contained in the Constitution is found in section 3 of the 14th amendment. It was not added by majority vote of the House, but required an amendment to the Constitution.

The power of exclusion is a matter of law, to be exercised by majority vote in accordance with legal principles and exists only when a Member-elect lacks some of the qualifications expressly required by the Constitution. No other rule for seating Congressmen would be compatible with democratic elections. If the Congress had broader discretion to judge the qualifications of its membership, it would have the power of final approval of elected Representatives. This power is denied Congress since there can be no proper exercise of a power to review a decision which in a democracy belongs to the electorate. If one would support the motion to exclude, one concedes that the House has the power to add qualifications. If the power to add qualifications exists and a Member-elect can be denied his seat by a majority vote of this body, then the power to expel, which under the Constitution requires a two-thirds vote, would become a nullity. The weight of the precedents and analysis of the constitutional conventions support the view that neither the States nor the Congress may add to or diminish the qualifications for membership in this body prescribed by the Constitution.

Despite a laudable record of faithful obedience to the constitutional mandate, the Congress has in rare instances of extreme political tension waivered from its usual adherence to constitutional principle and precedent. These deviations occurred in three categories of cases reflecting anti-Mormon—case of Brigham Roberts—anti-Confederate—cases of Kentucky members—and antiradical—case of Victor Berger—feeling. I urge the repudiation of such precedents which reflect the prejudices of prior eras.

Modern congressional practice of strict adherence to constitutional qualifications is required in the instant case. This House should not resurrect a long discredited view of the Constitution and follow precedent bespeaking furor instead of fairness.

I strongly urge rejection of the motion to exclude Member-elect POWELL by majority vote.

Mr. CURTIS. Mr. Speaker, I yield to the gentleman from Missouri, who has been trying to get the floor.

Mr. ICHORD. Mr. Speaker, I commend my colleague from Missouri for offering this amendment, and I concur with him as to his interpretation of the Constitution, which I believe is not only a reasonable interpretation, but is one which is borne out by the precedents.

However, I would ask the gentleman from Missouri one question: How far does his language reach?

Assuming that the amendment is adopted and that the resolution is adopted, the resolution states that the gentleman from the 18th District of New York is hereby excluded from the 90th Congress. My question is: Would this also preclude the gentleman from the 18th District of New York from filing for the vacancy that will be declared if the resolution is adopted?

Mr. CURTIS. In my judgment it would, but on the other hand, this would be the result of another jurisdiction, in effect, and we might, if they did proceed that way, be faced with this problem again. But I think the way this is worded, it should be interpreted in that fashion.

Mr. ICHORD. Then, assuming that the gentleman from the 18th District of New York [Mr. POWELL] files and is certified again to this body as the nominee, then under the resolution of the gentleman from Missouri, under the language of his amendment, does the gentleman believe the House would again face the question?

Mr. CURTIS. Yes, I do. I believe we would have to face it.

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

Mr. CURTIS. Mr. Speaker, I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to say to the gentleman from Missouri that I am very much interested in his remarks and very much impressed with the point he makes.

I would like to point out, however, that I still feel my amendment is a somewhat better one than is the amendment of the gentleman from Missouri, even though I am inclined to feel, as he does, that this House can go beyond the mere items of age, citizenship, and residency in determining qualifications of Members.

I might say that if the parliamentary situation presents itself, I intend to offer my amendment. I believe, things having developed as they have, that some Members may be somewhat more interested in this amendment than they were a moment ago. My amendment would simply provide that we could not administer the oath of office to the gentleman from the 18th District of New York until he had first purged himself of contempt of the courts of New York State. Unless and until he does so, he is not an inhabitant.

I might say that those who feel we can act on these narrow constitutional grounds would have, if my amendment were adopted, such a constitutional basis on which to act.

May I also say to the gentleman from Missouri that regardless of whether my amendment prevails or not, he might well support my point of view. He might well agree that when we have a Member who by act and intention "openly and avowedly," in line with the wording of the report in the Beck case, in the 70th Congress, has removed himself from the State and made it clear he does not want to carry out the responsibilities of citizenship insofar as obeying the orders of the courts of his State are concerned, he is not an inhabitant of the State.

Therefore, to answer the question just raised by the gentleman from Missouri [Mr. ICHORD], Mr. POWELL could not be a candidate for reelection because he could not qualify on the grounds of inhabitancy. And this House, after all, is the only judge of whether an individual is or is not an inhabitant as the Constitution provides.

Mr. CURTIS. Let me respond to the gentleman from New York by saying, yes, I have paid attention to that argument, and I believe there is a great deal of meat in it.

This same argument has been advanced on our side in discussion, and so on.

There are many bases on which Members of this House could in their own conscience vote for the substitute I have proposed.

What we are attempting to discuss here is what might be a later interpretation, if this matter got before the courts.

Certainly the argument which the gentleman from New York is making has a great deal of merit to it, in my judgment, and would bear also on the question of whether he could run again or not.

Many other arguments advanced here could be interpreted in the same way.

There was another reason why I felt so strongly. There were many reasons that bolstered the position of exclusion, and I have not even mentioned one which to me is the deepest, perhaps—that is, "scofflaw." If there is a "scofflaw" sitting in a tribunal which is seeking to make laws, where can a society move?

Mr. STRATTON. Mr. Speaker, will the gentleman yield further?

Mr. CURTIS. Yes.

Mr. STRATTON. I agree. I want to congratulate the gentleman for indicating that there is no conflict between his position and mine.

If my amendment were adopted, the "scofflaw" issue would have been removed. I believe those who want to follow narrow constitutional grounds will recognize that this approach does meet their view.

Mr. CURTIS. The gentleman is correct.

I might say that the New York Times editorial, which many are familiar with, which recommended that Mr. POWELL be asked to stand aside, I believe also clearly indicates that power would have to be based upon the power of Congress to deny him the seat either by expulsion or exclusion.

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

Mr. CURTIS. I yield to the gentleman from New York, who has some data to present on this matter, for debate only.

Mr. GOODELL. As the gentleman is aware, I supported the committee resolution because I felt it was the wiser course of action, but I was troubled in the debate by what I considered to be some rather gross oversimplifications of constitutional history and the history of the Constitutional Convention itself with reference to the power to exclude.

It is my view that the House does have the power to exclude.

I felt it would have been wiser to follow the committee recommendation, but

I should like to point out for the legislative history in this debate some of the background of that Constitutional Convention.

In the case of Brigham Roberts, in 1900, when this House excluded Mr. Roberts, they went into this question at some length, and they said, among other things:

We think it will be undoubted that every legislative body has unlimited control over its own methods of organization and the qualifications or disqualifications of its members, except as specifically limited by the organic law. We do not think that this proposition needs amplifying; it is axiomatic. It is apparent that every deliberative and legislative body must have supreme control over its own membership, except insofar as it may be specifically limited by a higher law; there is a distinction to be drawn between the legislative power of a legislative body and its organizing power, or those things which relate to its membership, and its control over the methods of performing its allotted work.

Then it goes on to quote from the very luminous argument of Mr. John Randolph in the House in 1807:

If the constitution had meant (as was contended) to have settled the qualifications of members, its words would have naturally run thus: "Every person who has attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of members of that House, the constitution merely enumerated a few disqualifications within which the States were left to act.

It is said to the States, you have been in the habit of electing young men barely of age; you shall send us none but such as are five and twenty. Some of you have elected persons just naturalized; you shall not elect any to this House who have not been some seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants.

Then, with reference to the Constitutional Convention itself, I would point out that the first draft of the constitutional provision we are talking about providing for qualifications had language which was affirmative and positive but it was finally presented for adoption in nearly the form in which we find it now. The affirmative form was changed to negative.

The slight contemporaneous discussion in the Constitutional Convention was upon the provision in the affirmative form. Why was it changed in the negative? Surely not for the sake of euphony. And certainly not to make it more explicitly exclusive.

In the report of the committee of detail, submitting the first draft of the Constitution, this section read in the affirmative and as follows:

"Every member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which shall be chosen."

In the discussion Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he "was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions."

Mr. Wilson took the same view, saying: "Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters."

The next day after this discussion, and when the clause respecting age, etc., had, in its general sense, been informally approved, a proposed section respecting a property qualification was discussed. Mr. Wilson said (Madison Papers, vol. 5, p. 404) that he thought "it would be best, on the whole, to let the section go out; this particular power would constructively exclude every other power of regulating qualifications." What did Mr. Wilson mean if the result of the discussion in which he participated on the preceding day was to "constructively exclude every other power of regulating qualifications?"

In view of the objections urged by Dickinson and Wilson and their opinions as to the construction that would result and the consequences thereof the conclusion seems reasonable, if not absolutely irresistible, that the change from the affirmative to the negative form was intentionally made, and with the very purpose of obviating such objections, and hence that in being negatively stated it was considered by the convention that the particular qualifications mentioned would not be exclusive and would not render impossible the "disqualifying odious and dangerous characters" and would not prevent "supplying omissions."

I thank the gentleman for yielding to me. I think it is imperative in this particular debate that we point out the balancing side of this argument as to what our powers are under the Constitution to exclude. We have done it five times in this House of Representatives and have never been challenged. The history of the Constitutional Convention is by no means clear, and it is a disservice for anybody to say that it is clear the original Constitutional Convention delegates maintained that we did not have the power to exclude.

Mr. CURTIS. I want to thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. Speaker, at this time I would like to ask unanimous consent that all Members wishing to speak on this matter be permitted to extend their remarks in the RECORD for 5 legislative days and that those who have spoken also be given permission to revise and extend their remarks.

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

There was no objection.

Mr. CURTIS. I make this request because I want to make this point again: It is very good that we are developing the history behind this. As I said earlier, I was disturbed about the weakening of the power of Congress. I think we are now getting back on the beam and are asserting what are the true powers of the Congress.

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

Mr. CURTIS. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding, because my interest also is in the record being made today and it is with reference to this item. I would like to ask the gentleman if in his view the unanimous committee findings that are set forth on pages 31 and 32, in which specific findings are made as to the wrongful misappropriation of public funds in amounts in the committee report totaling up to over $46,000—if these findings are in his view a basic and fundamental requirement to the action that is being taken here today?

Mr. CURTIS. I wish to thank the distinguished gentleman. Yes, indeed, they are. The basis of the discussion is that this motion of mine is a substitute, but it is based upon—and I emphasize again—the fine work that this committee did and upon its findings. Incidentally there has been little or no mention about this, but there is also a finding of forgery, which disturbs me very much.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I am glad to yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding to me at this point.

Mr. Speaker, as the distinguished gentleman from Missouri [Mr. CURTIS] knows, I supported the action to have the Member-elect from New York stand aside pending a full and fair investigation of his conduct.

Mr. Speaker, I believe the distinguished select committee came up with a recommendation that was appropriate and I supported it and voted for it.

However, Mr. Speaker, the action that I believe we are now about to take is not appropriate. We are engaged here today in an act of history—an act of history which I believe is one of doubtful constitutionality, and in any event, in contravention of the intent of the Founding Fathers.

Further, I believe it is in dereliction of a great body of precedent in the House and the other body.

I most respectfully, then, would urge the Members of this body to vote down this resolution.

Mr. CURTIS. I appreciate the point of view which has been expressed by the gentleman from New York [Mr. REID], but, of course, I could not disagree with the gentleman more.

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

Mr. CURTIS. I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I thank the gentleman from Missouri for yielding to me at this point.

Mr. Speaker, as I understand the gentleman from Missouri [Mr. CURTIS], his position is that inhabitancy, citizenship, age, plus a valid certificate of election will get one to the door, but not get one in the House of Representatives, and that this House does have the power to exclude, under the conditions that since it has that power heretofore mentioned, it has the corollary power to expel.

Mr. Speaker, I would like to call the attention of the Members of the House to section 6 of article VI of the Constitution. No one has brought this question to the attention of the Members of the House today. This states that no per-

son holding any office under the United States shall be a Member of either House during his continuance in office.

Mr. Speaker, that provision has nothing to do with inhabitancy, it has nothing to do with citizenship, it has nothing to do with age. It is a specification of a condition which calls for the exclusion of someone who has all of the other stated qualifications and who meets all the other conditions which get him to the door of this House of Representatives, but under it he can still be excluded. The gentleman from Missouri [Mr. CURTIS] is contending the same situation exists in this case and the gentleman from Missouri is urging, in order to protect the good repute of this body, it having legislatively determined that someone at the door has indulged in contempt which would in the judicial process of government involve certain criminal actions, that it is incumbent upon us in the House to protect against the shadow cast upon it, and that an act of exclusion or the exercise of the power to expel would require more than a majority vote.

Mr. CURTIS. Mr. Speaker, I wish to thank the gentleman for his comments. Time is passing, but I will yield one time to the gentleman from New York.

Mr. CAREY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to pursue this point to its ultimate conclusion as to the effect of the amendment on the possible or probable future election procedures in the State of New York.

I understand the gentleman to state that there is no lack of probability that, should the amendment carry and should exclusion be voted, this will in no way bind the electors of the 18th District of the State of New York in reelecting the Member-elect who is now under discussion.

This being the case, and assuming in due course the courts in New York dispose of the pending action involving contempt, is it not true that were the gentleman from the 18th District of New York, and who is now under discussion, to be reelected, he could quite conceivably come back to this body, be seated, and undergo none of the penalties voted by the select committee after its procedural discussion, since these penalties were voted down he would come into the House and be under no penalties whatsoever?

Mr. CURTIS. Let me say to the gentleman that the gentleman under discussion will be in exactly the same position he is in now, and the offenses would still hold, but I would suppose this body would act in the same way at that time, so I would not regard that as a very serious matter.

Mr. COLMER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. CURTIS. I yield to the gentleman from Mississippi for a parliamentary inquiry.

Mr. COLMER. Mr. Speaker, my parliamentary inquiry is that if the pending amendment, the substitute resolution, is adopted, the previous question is ordered, and the amendment is adopted, then that concludes the matter?

The SPEAKER. The Chair will state there would have to be a final vote on the resolution as amended.

Mr. COLMER. Mr. Speaker, I am sorry, I had intended to include that in my parliamentary inquiry.

Then that would end it, if the final vote were taken on the resolution as amended?

The SPEAKER. When a final vote is taken on a resolution as amended, then the House has taken its final action.

Mr. ASHLEY. Mr. Speaker, the issue before the House today is both difficult and complex. Even if we were able to set aside all social, political, and racial aspects, the constitutional and legal questions would be both formidable and perplexing.

I, too, commend the select committee which has reported back its findings and recommendations with respect to ADAM CLAYTON POWELL. Their task, it must be remembered, was threefold: First, to look into the right of Mr. POWELL to be sworn in as a Representative from the State of New York in the 90th Congress; second, to determine his right to hold a seat in the 90th Congress; and third, to make such recommendations to the House with respect to these questions as the committee might deem advisable.

I agree with the findings of the committee and in principle with its recommendations. It seems to me clear that the Constitution establishes only three qualifications for the seating of a Member-elect to the Congress: namely, age, citizenship, and inhabitancy. The committee has found that Mr. POWELL meets these qualifications and therefore I agree with the committee that no constitutional basis exists for refusing to seat him.

The further questions arise, of course, as to whether Mr. POWELL, after being seated, should be censured and otherwise disciplined or whether, because of the seriousness of his misconduct he should be expelled pursuant to article 1, section 5, of the Constitution. On the basis of the findings of the committee it seems to be abundantly clear that Mr. POWELL's serious misbehavior has been established beyond any doubt. It is my view therefore that the committee has properly determined that he should be censured and disciplined.

The recommendations of the select committee in this respect are extraordinary. The disciplinary action which it suggests is unprecedented in the history of the House and is harsher than contained in any motion to censure which has been entertained by this body in its 180-year history. Those who seek to vote down the unanimous report and recommendations of the select committee and to then support a motion to exclude him—by refusing to allow him to take the oath of office—are pursuing a course which in my opinion is absolutely contrary to the language and intent of the Constitution.

While the Constitution provides that the House shall be the judge of the qualifications of its Members, article 1, section 2 makes it clear that the qualifications to be adjudged relate exclusively to age, citizenship, and inhabitancy. If these qualifications are met, a Member-elect must be seated and thereafter, of course, a Member may be punished for disorderly behavior or expelled by a two-thirds majority pursuant to article 1, section 5. I intend to vote for the resolution offered by the select committee which follows established constitutional doctrine; namely, to seat Mr. POWELL, because he meets the constitutional qualifications of a Member-elect, and then to mete out disciplinary punishment.

If the resolution of the select committee is voted down, I will not support a motion to exclude Mr. POWELL because such a motion in my opinion will be in clear violation of the Constitution and a precedence of the House of Representatives.

While a Member, having once been seated can be disciplined or expelled for bad behavior, there simply is no provision for excluding a Member in the first instance who meets the three basic qualifications for taking the oath of office, regardless of whatever misconduct he may have been guilty of. In such a situation, as I construe the Constitution and long-established precedence, the Member-elect must first be seated and then disciplined or expelled, depending upon the circumstances and facts of the particular case.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to state why I will vote against the previous question closing debate on adoption of the preamble if such a vote comes up later. I will also vote against the preamble itself. I believe it is highly inconsistent to take the words of the preamble, on the basis of which the Celler committee unanimously registered its conclusions, and then substitute the conclusion of the Curtis substitute which is diametrically opposite. Although the words of the preamble have no effect on the force of the resolving clause of the resolution, and although they merely express the conclusions of the select committee and not the will of Congress, I still do not feel they have a place along with the conclusion we finally reach in the resolution.

Specifically, I do not feel that Mr. POWELL is a bona fide inhabitant of New York, as claimed in the first section of the preamble. Otherwise, I will vote for the Curtis substitute, and will support the resolution as amended by the Curtis substitute.

Mr. LANGEN. Mr. Speaker, the evidence as confirmed by the select committee was so damaging and so incriminating that I can see no justification, constitutionally or otherwise, for seating ADAM CLAYTON POWELL in the House of Representatives. To seat any man under such circumstances would be to endorse what I consider a completely unacceptable set of standards on moral and ethical conduct.

With an increasing disregard for law and order across the Nation, Congress must strike the first blow for responsibility and citizenship. It can do so through the example of denying ADAM CLAYTON POWELL a seat in Congress.

The immediate need is for Congress to put its house in order and set up the machinery needed to police itself. A special committee should be formed at once with instructions to hammer out a real and meaningful code of ethics. Public confidence must be promptly restored so that the entire Congress is not condemned for the misdeeds of a few errant Members.

To publicly denounce a Member, and then turn around and seat him, falls far short of our responsibility to the Nation.

Mr. O'NEAL of Georgia. Mr. Speaker, the eyes of the Nation are focused on this great legislative body today as we decide what action should be taken against one of its Members who has placed himself above the law and brought shame on every person and every institution within his reach. I am sure that every honorable American is watching with great interest the attitude of Congress toward one of its own Members.

The most important question is not whether ADAM CLAYTON POWELL should be punished for his serious misconduct but whether he is worthy of membership in the Congress of the United States.

A select committee has reviewed the case and determined that POWELL is a fugitive from the justice of his own State, that he has wrongfully and willfully appropriated $46,228.48 of public funds for his own use, and that his refusal to cooperate with two investigative committees authorized by the House of Representatives was contemptuous and was conduct unworthy of a Member.

Therefore, it is shocking that the committee has recommended that he be seated conditioned on being publicly censured, stripped of all seniority and his salary reduced at the rate of $1,000 per month for a total of $40,000.

My own feeling is that ADAM CLAYTON POWELL should be denied his seat, sued, and prosecuted.

No doubt we will be smothered with arguments and rationalizations against expelling a Member of Congress who meets the constitutional requirements of age, citizenship, and inhabitancy.

But we should not be concerned with smokescreens and diversionary tactics for the Constitution also provides that—

> Each House shall be judge of the elections, returns and qualifications of its own members.

We should not be concerned with the charge that failure to seat him would be denying the people of his district representation in the Congress for POWELL's misconduct has transcended the boundaries of his Harlem district.

We should not worry about the charge of racial prejudice for many who have found POWELL's actions most disgusting have supported civil rights legislation strongly.

We should not fear the threat of conflict with the Supreme Court if we truly believe in the concept of separation of powers in Government. It is our duty to take the necessary action to restore public confidence in our own household.

And let us not be confused by arguments that the punishment suggested by the committee is sufficient for his wrongdoing. My background includes 23 years as a prosecuting attorney in the courts of my home State, and such arguments are clearly foreign to my concept of American jurisprudence.

I will personally vote to deny ADAM CLAYTON POWELL a seat among honorable men, and I am hopeful that I will be joined by a majority of my colleagues.

Mr. DOWDY. Mr. Speaker, I support the resolution that the Member-elect from the 18th District of New York, ADAM CLAYTON POWELL, be excluded from this Congress, and that the seat be declared vacant, I cannot agree with the recommendation of the select committee that he be seated and censured. If POWELL is guilty of the criminal conduct with which he is charged, and I believe he is, and it was so found by the select committee, he ought not to be seated in the U.S. Congress. If he is not guilty, he would deserve no censure. There is no in between in a case like this. On the proof and debate we have heard here, this resolution to deny the seat demands an "aye" vote, and I so urge.

Mr. VAN DEERLIN. Mr. Speaker, I have always felt that no man who is in open violation or defiance of the law is entitled to a seat in Congress. Accordingly, on November 30, 1966, I announced my intention to oppose the swearing-in of Congressman-elect ADAM CLAYTON POWELL, unless—by January 10, 1967—he had purged himself of a criminal contempt judgment and was no longer subject to jail sentences then pending against him.

On November 29, 1966, the New York State Court of Appeals denied Mr. POWELL's appeal of an order by Mr. Justice Levy imposing a 30-day jail sentence for criminal contempt of court. The sentence to jail was the third such sentence that had been passed upon Mr. POWELL by the courts of New York State, and the appeal was the last in a series of such appeals which had been denied.

Detailed study turned up historical precedent supporting my position. In fairness to Mr. POWELL and to my fellow Members, it had to be made at that particular time. Nearly 6 weeks remained before the 90th Congress would be sworn in. These 6 weeks, I felt, afforded Mr. POWELL time enough to take the steps necessary to square himself with the courts, if he desired, after being apprised of my intentions. These 6 weeks would also give my colleagues in Congress sufficient time to study the matter and determine the action they would take if called upon to vote on seating Mr. POWELL.

It should be made clear that my proposed action with regard to Mr. POWELL was not predicated upon any acts committed in his capacity as a Member of Congress during any preceding Congresses—however fraudulent these acts may have been. I based my action solely upon his status in relation to the courts. For this, I found the main historical precedent in an action of the 56th Congress.

When the first session of that Congress convened on December 4, 1899, Member-elect Brigham Roberts, of Utah, was challenged on grounds that he had continuously and willfully violated the laws against polygamy. The House adopted a resolution to deny Mr. Roberts his seat and ordered a committee of nine members to investigate. On January 20, 1900, the investigating committee recommended the permanent exclusion of Mr. Roberts, and his seat was declared vacant.

In its report to the House, the committee concluded that the exclusion of Mr. Roberts was justified for, among other reasons, his "notorious and defiant violation of the laws of the land." The committee report—a landmark treatise of 77 pages—also advised the House that it had not only the right, but the duty, to refuse to seat a Member for any of a number of reasons, including "disloyalty and crime."

In its report, the committee expressed hope hat the House for all time would be guided by several general principles which included the following:

First. The House has never denied that it had the right to keep a Member-elect from taking his oath, even though he had met the Constitutional requirements of age, citizenship, and residency.

Second. The House, in many instances, has "affirmatively declared" that it does have the right to refuse membership to a constitutionally qualified individual.

The 56th Congress accepted that premise, as did the Congress some 19 years later in the case of Victor Burger, a Member-elect from Wisconsin who had been found guilty of treason.

When, on January 10, 1967, it became clear that Congressman-elect POWELL had failed to purge himself of the criminal contempt commitment pending against him, and apparently did not intend to do so, I asked that he stand aside during the swearing-in of Congress. A motion to exclude him, pending a committee report, was made by Mr. GERALD R. FORD, and adopted by the House. The matter of Mr. POWELL's final seating was left to the Members of the House for later action.

The select committee of nine that was appointed under the gentleman from Michigan [Mr. FORD] resolution fulfilled its arduous assignment faithfully and with an admirable spirit of bipartisanship. In substance, its report and recommendations were that Mr. POWELL was qualified to take the oath by reason of age, citizenship and inhabitancy, and that he should be sworn in subject to certain conditions. The major provisos were that he be stripped of all seniority, that he be censured and that $1,000 a month be deducted from his pay until restitution was made for a total of $40,000 in Government funds he was found to have used illegally or improperly.

Undeniably, the committee faced a difficult task, and its recommendations represented the fruits of long deliberation. That its findings would not be entirely satisfactory to everyone was to be expected. There are those, for instance, who wonder whether sufficient study was given to the question of Mr. POWELL's qualifications as an inhabitant of the State of New York.

They note, for example, that the House Committee on Elections, in a 1928 report on the definition of an "inhabitant," stated that such an individual "must have openly and avowedly, by act and word, subjected himself to the duties and responsibilities of a member of the body politic of that particular State." In refusing to respond to repeated court orders, it may be asked, is Mr. POWELL "by act and word subjecting himself to the duties and responsibilities of a member of the body politic" of his State of alleged residency?

In its report, the committee made no reference to the fact that Mr. POWELL was and is "living in open defiance of the law." It was just such contempt of the law by Brigham Roberts that led to the strongest precedent for excluding a Member of the House. The committee apparently has ignored this precedent in making its recommendations for the resolution of the case against Mr. POWELL. But the penalties suggested by the committee would, in fact, be imposed for offenses committed prior to the convening of the present Congress. The House, traditionally, has been reluctant to mete out punishment to Members for actions taken in prior Congresses. I, for one, have no affection for this tradition. I only wish to point out now that the committee's recommendations seem to overlook established precedent on the one hand while suggesting action that departs from tradition on the other.

In calling for Mr. POWELL to stand aside on January 10, I acted in accordance with my conscience. Having taken that action, and having voted my convictions, I am content to abide by the ultimate decision of the House.

Mr. BROYHILL of Virginia. Mr. Speaker, most of us learned in our youth to honor and respect the office of a Member of Congress. We were taught that any man chosen to represent all of the people of his district must be a man of honesty, integrity, and some wisdom.

We learned of scandals which occurred during the history of our Nation, but we were taught that the Congress of the United States would not allow corruption by public officials to go unpunished.

Today we are asked to determine what penalty shall be imposed upon one of our own. We have chosen nine of our esteemed colleagues to serve as a select committee to advise us, and they have reported to us.

They have reported that ADAM CLAYTON POWELL has repeatedly asserted a privilege and immunity from the processes of the courts in his home State not authorized by the Constitution; has been held in civil and criminal contempt; has wrongfully appropriated more than $44,000 in public funds by having salary drawn on behalf of his wife in defiance of public law; has wrongfully appropriated public funds by placing an individual on the payroll of the committee of which he was chairman in the amount of $214.79 in order that she might do domestic work for him in Bimini; wrongfully appropriated $72 of public funds by ordering the purchase of air transportation by the committee of which he was chairman for travel for his own son, an employee, and personal friends, none of whom had any connection with the official duties of the committee; misappropriated $461.16 of public funds by giving an employee of the committee airline tickets for three vacation trips to Miami, Fla.; falsely certified payment from public funds of vouchers totaling $1,291.92 covering transportation of other committee staff members, when, in fact, he and a female staff employee had incurred such expenses as part of private travel to Bimini; and made false reports on expenditures of foreign exchange currency to the Committee on House Administration.

The special committee now recommends that we seat Mr. POWELL, censure him, strip him of his seniority, and require him to pay $40,000 through deductions from his congressional salary to offset liability to the U.S. Government.

Mr. Speaker, if a member of the President's Cabinet were ever to be found guilty of having wrongfully and willfully appropriated some $44,000 of public funds for his own use, and made false certifications as to expenditures, would the Members of this House allow the President to punish that man by requiring him to pay back the money misappropriated and by demoting him to a lower Cabinet rank? I think we all know the answer. It is a resounding "No."

If Mr. POWELL is guilty of the offenses as our special committee has found, a vote to seat him would be a vote to seat right along beside him every charge of corruption against the Congress of the United States. His guilt, abuses, and illegal actions will taint all of us so long as he remains a Member of Congress. It is inconceivable that we should allow this man to be seated.

Mr. DICKINSON. Mr. Speaker, the arguments and debate on the floor here today have been scholarly and persuasive on both sides. My feelings have already been expressed for the most part and I can add little to what has been said.

Many Members here at this very moment are still wrestling with the problem of how to vote on this issue. Should we seat ADAM CLAYTON POWELL and punish him, or should we refuse to seat him?

I think my young son pretty well resolved this question for me with one question. He said:

> Daddy, if Congressman POWELL did everything the papers say he did, how can he stay in Congress?

What is the answer to that question? The young people all over this country are asking the same question.

Yesterday's paper carried the news item that 36 fine young men had been forced to resign from the Air Force Academy because they were guilty of cheating. Are we going to tell these young men that if they cheat under the honor system they cannot cheat and be a cadet at the Air Force Academy, but that a Member of Congress of the United States—the greatest legislative body in the world—can, in effect, steal public funds, violate his public trust, flout the courts and become a fugitive from justice, and still be a Member of Congress? I say the answer is "No." And we should say so today in a voice that every boy and girl—every man and woman—can readily understand and applaud.

Mr. BINGHAM. Mr. Speaker, I rise in opposition to the substitute resolution proposed by the gentleman from Missouri.

The substitute resolution would exclude from the 90th Congress the representative whom the people of the 18th Congressional District in New York have overwhelmingly chosen. Thus, this resolution would punish, not the man who by his actions has brought discredit upon himself and the Congress, but the people of the 18th Congressional District of New York.

The distinguished special committee of nine, appointed to investigate and report on this matter, concluded unanimously that the three qualifications for Congress stated in the Constitution, age, citizenship, and residency, were intended to be exclusive qualifications, and that the Congress did not have the power to add to them. The proposed substitute resolution flies in the face of this conclusion by nine distinguished lawyers and proceeds upon the opposite conclusion, namely, that the Congress' power to exclude Members-elect is not limited in any way.

I believe that this is a dangerous precedent. Based upon the action which appears to be impending here today, the day may well come when Representatives-elect may be excluded from the Congress because their views are unacceptable to the majority.

The special committee of nine had recommended drastic and unprecedented punishment for ADAM CLAYTON POWELL, but it was punishment which was within the power of the Congress to impose. In my judgment, the proposed substitute would have Congress exceed its powers under the Constitution. As the distinguished ranking minority member of the committee said during the debate, this action may well put the Congress on a collision course with the judiciary branch of our Government. A constitutional crisis may well result which will weaken the structure of our Government and which could easily be avoided by adopting the resolution recommended by the committee.

Whatever disposition is made of this particular case, it is vital that there be a restoration of public confidence in the Congress in this time of crisis and change.

I think it essential that a comprehensive and effective code of ethics be promulgated applicable to Congressmen and employees of the Congress. I believe that enforcement of such a code should be assigned to a committee which has no other functions and which, by its bipartisan character would create confidence in its judgments. In effect, we need a new mechanism to deal with this problem.

Last year, before the problems involving Mr. POWELL arose, I introduced a bill which included a broad disclosure provision designed to minimize the danger of conflict of interests. I note that this is not included in the bill recommended by the Select Committee on Standards

and Conduct of the 89th Congress chaired by Congressman BENNETT, and I believe this is a serious omission.

I generally agree, however, with the purposes and approach outlined in the select committee's report. However, I find it weak in that the proposed Select Committee on Ethics would be powerless to act except on a written, sworn complaint filed by one Member against another. This is unduly restrictive. If we are to have a watchdog committee, it should have the responsibility to investigate possible wrongdoing without limiting it to cases in which one Member may be willing publicly to protest against the actions of a colleague.

I am prepared to support establishment of the proposed new Ethics Committee and hope that, as established, it will be even more effective and far reaching than is now proposed. If no steps are taken to preclude any future conduct of the type we are reviewing today, then we will lend credibility to the charges that Mr. POWELL is the victim of discrimination.

For our own protection and for the purpose of protecting and advancing the good name of the House of Representatives, we should proceed without delay to demonstrate our determination that no improper conduct will be tolerated in this House.

Mr. HOLLAND. Mr. Speaker, it is with a heavy heart that I add these brief comments to the many words that have been spoken on the floor of this House this afternoon. For the first 2 hours of the debate, I hoped to be able to support the resolution which was reported to the House by the select committee chaired by the very able gentleman from New York [Mr. CELLER].

I did not believe, Mr. Speaker, that that resolution was perfect. I did not believe that it was perfect justice to require from the Representative-elect from New York, as the price of a seat, the kind of punishment that was provided for in the resolution as originally reported. I was not prepared to vote with pleasure to censure and humiliate and to punish with a degree of severity unprecedented in the history of the House a duly elected Member for misbehavior which was largely conjectural, and which, if true, was neither unique nor unprecedented. But I was prepared to vote for the resolution as the closest approximation of justice which I thought the House would accept.

I was, Mr. Speaker, overoptimistic in my estimate of the House's temper. It seems, at this point, that the violent and well-organized anti-Powell campaign which has been carried on from one part of this country to another will not be satisfied with anything less than the exclusion from this Chamber of ADAM POWELL. I cannot and will not vote for that.

The issue transcends the personal privileges or position of the Representative-elect from New York. While I have never been among those who derive deep personal satisfaction from throwing stones at ADAM CLAYTON POWELL, I am willing to admit that his personal right to a seat in this House ranks second in my mind to the right of his constituents—450,000 Americans—to be represented in this body by a man of their own choice.

Representation in this House is not a privilege, casually to be taken away from 450,000 free people because we do not like the way they wish to exercise it. If the people of my district, or of any district in the Nation, have the right to have their own voice, freely elected, speak for them in this Chamber, the 18th District of New York deserves that right. If they do not deserve it, if we can lightly take away from them the right to be represented here, the same thing can be done to any one of us. Someone said at the beginning of this controversy, last January 10:

> They are determined to show the people of Harlem that they can't have a Congressman until they will find one who will shuffle a little.

Someday, Mr. Speaker, this decision may return to haunt us all. Someday, other districts may be told they are not entitled to have representation because their choice is not sufficiently conservative, or liberal, or does not go to the right church, or does not belong to the right political party. These considerations, I admit, are not remotely related to those which are alleged to be the reasons for excluding ADAM C. POWELL from the seat to which he was elected. But neither the reasons I have just listed, nor the reasons which are publicly cited for excluding ADAM POWELL, have any relationship to the constitutionally prescribed qualifications for a seat in this body. If we can lightly violate the Constitution today for the reasons alleged in some of the speeches we have heard on this floor, we can just as lightly break it next year, for other reasons, also not listed in the Constitution.

Mr. Speaker, there have been many charges outside of this Chamber, though the subject has been generally avoided here today, of racism in connection with this case. For my own part, I can agree neither with those who assert that the entire thing stems from racial considerations, nor with the fervid assertions of those who state that there are no racial overtones whatever involved.

The select committee which presented House Resolution 278 to the House proposed very severe punishment for Mr. POWELL. I had reservations about the provisions of that committee's report. But that resolution—or a thousand like it—could not persuade me that the gentleman from New York [Mr. CELLER] has turned in the slightest degree away from a lifetime of courageous leadership in the field of human equality. The gentleman is, in my considered judgment, incapable of bigotry. It simply is foreign to his entire nature. The same can be said of most of the members, Republicans and Democrats, on the select committee. Last January 10, this House gave these nine men a difficult, thankless task to do, and they did it with care, with diligence, and with honor. My reservations as to the correctness of their decision does not extend to the credit I believe they deserve for their work. Unfortunately, this House, by the vote of many of the same men who called for the select committee to be established, has decided to ignore their careful scholarship and their recommendations, and indulge in punishment of a more drastic nature.

But not even all those who voted to repudiate the committee they had established were guilty of "racism, pure and simple." There is little that is pure, and less that is simple about this entire situation.

Neither can I agree with those who have asserted that the question of racism does not enter into the Powell case. We have been told that "if the gentleman from New York were white, he would have been punished long since." Like who, Mr. Speaker? Is ADAM CLAYTON POWELL the only sinner in this House? Does this House have such a long and complex list of precedents of censuring and demoting and fining Members who do not meet its high moral standards? I can think of a few cases in recent years where Members of this House were guilty of far greater moral and even criminal offenses than the gentleman from New York is even charged with, and yet I cannot remember that the House took action. We left punishment for these offenses to the voters of these Members' districts.

There is some reason, surely, that the Powell case alone has given rise to such drastic punishment. I find it impossible to shake the conviction that a large part of the intense public compaign against Mr. POWELL stems from the fact of his race. Some of this stems directly from the view entertained in many quarters of this country that the Negro enjoys the rights of full citizenship only on a tentative basis—that if a Negro offends community sensibilities in any way, he and all other Negroes should be made to suffer for it, while white men who commit the same sins are judged by a different, more lenient standard, and their punishment is not visited upon the white community as a whole.

ADAM POWELL is being judged, not for his sins alone. He is being punished for the statements of Stokely Carmichael and the bad poetry of Cassius Clay and the sins of every other Negro in the country, just exactly as every law-abiding decent Negro citizen finds the pattern of discrimination against him "justified" by the argument that some Negroes break the law. This concept of joint responsibility for each other's shortcomings is a handicap that white Americans would have risen up in arms against had it been visited upon them, as it has been visited upon every minority group in this country.

No, Mr. Speaker, I cannot accept the notion that ADAM POWELL is being punished by colorblind justice. I, too, have read the mail that has been cited as "evidence of deep public concern." Let me quote some of the mail that I received for the RECORD.

> Shame on you and Congressman ———. You are both nigger lovers. We will remember you at the polls next election.

That postcard was, of course, anonymous. I received, naturally, some letters opposed to Mr. POWELL which avoided using racial slurs, and a few which did not even seem to be motivated by racial ill will. But the mail I have received

on this subject left no doubt in my mind that it was largely motivated by the notion that a Negro Congressman ought to be more circumspect, more humble, and more "grateful" than his white colleagues need to be. I submit, Mr. Speaker, that whatever may be the motives of individual Members in this case, the effort to exclude the gentleman from New York could not have succeeded, and might not even have been attempted, had ADAM C. POWELL done everything he is accused of doing, but had he been—to coin a phrase—"less colorful." And I think, Mr. Speaker, that we all know that to be true.

And I believe, too, Mr. Speaker, that there would not have been the intense newspaper and other public pressure—which dates back to the very day Mr. POWELL assumed the chairmanship of the Education and Labor Committee—had he not been so vigorous and so successful a fighter for long-needed economic, social, educational, and labor legislation. This, too, while not cited in the select committee's report and while never mentioned in the editorials that demand ADAM CLAYTON POWELL's scalp—this, too, I say, is part of the "case against" ADAM CLAYTON POWELL.

And so, Mr. Speaker, I intend to vote against the amendment of the gentleman from Missouri, and, if it passes, against the resolution as amended. I cannot vote to deny the people of the 18th District of New York their representation among us. I suspect that those people, who have borne generations of injustice with an undiminished optimism about democracy that shames their more fortunate fellow citizens, will not learn from this episode to "elect someone who is willing to shuffle a little."

I suspect they will continue to choose as their Representative a man who is a courageous spokesman for their interests and their rights. I hope they do. I hope they continue to send us Representatives who are 25 years of age, inhabitants of the State, and citizens of the United States for 7 years or more—and who, otherwise, meet such qualifications as the sovereign people of the 18th District wish to impose. I hope, too, that this House, when it gets over its present frame of mind, will once again recognize that it is the people in their several districts and not just a majority of the Members of this House who are supposed to decide who can and who cannot sit here among us.

Mr. DIGGS. Mr. Speaker, the select committee under the experienced and wise guidance of one of the most respected Members of this House, Mr. CELLER, deserves our commendation for performing a very delicate task without rancor or sensationalism. However, due to the serious nature of the allegations, I believe the defendant, Mr. POWELL, is now entitled to all the protection of a regular adversary proceeding.

One of the committee's recommendations already provides the framework for this protection by referring certain of its preliminary findings to the Justice Department. If the Department considers the evidence sufficient, I am certain that this matter will end up in the courts where Mr. POWELL will then have the opportunity to face his accusers and properly defend himself according to the tradition of our judicial system. Any action short of this would deny him his proper rights. Additionally, I consider the recommendations regarding censure and involving Mr. POWELL's seniority extremely excessive in view of the fact that already he has been divested of his most valuable privilege, chairmanship of the House Education and Labor Committee. To have lost the prestige and prerogatives of this important office in effect already censures him and already has effected the most significant aspect of his seniority.

Mr. SCHADEBERG. Mr. Speaker, it is with a heavy heart, indeed, that I feel compelled to address the House today on an issue that affects the future of a former Member who served 24 years in this House and who, in absentia except perhaps for occasional appearances in the pulpit of the church he serves as pastor, was elected to yet another term in this body.

It is always a matter for serious soul-searching when our decision affects so intimately the life of an individual. The effect of our decision today will have far-reaching effects not alone upon this one man but upon each and every one of us and upon the future of this great legislative body of our Government.

In a sense, the issue of whether or not to seat ADAM POWELL, to allow him to associate himself with us as a Member of this House, is made almost academic by the report of the House select committee which details many of his activities through the last few years and which reflects his utter disregard of the rules of this House and respect for its Members, to say nothing of his disregard of his moral responsibilities as a clergyman and a representative of the people. The issue before us is not only whether or not ADAM POWELL should be seated but whether or not the integrity of this body is to be preserved and whether or not the faith and respect of the American people in representative government shall suffer serious damage.

I feel compelled as a clergyman who has spent 25 years in active parish work to bring to you a point of view from my walk of life, which I believe must be added to this debate because too often this point of view is ignored in the deliberations of those whose only concern is for the technical correctness of legal procedures without due regard for the even more basic consideration of whether what is to be done is morally correct.

The genius of our form of government rests in the fact that among the persons the people choose to represent them on all levels of government, and the Federal level is no exception, are persons from every walk of life who bring to bear on their legislative deliberations the best of their thinking, their knowledge, their experience. It is with regret that among the three Members of this House who represent the profession of ordained clergymen is one against whom we must take some action in order to preserve the integrity of this House. As one of the remaining two I cannot be silent.

I have a profound respect for the integrity and ability of those of the legal profession and have in a sense a humble pride in the privilege granted me to be associated with such outstanding men of the legal profession as the chairman of this select committee, the Honorable EMANUAL CELLER, of New York, and my very personal friends representing the minority side of the aisle, ARCH A. MOORE of West Virginia; CHARLES M. TEAGUE of California; CLARK MACGREGOR of Minnesota, and especially, VERNON W. THOMSON of Wisconsin. I am sure that if I knew the other members of this select committee as well as those whom I mentioned I would have equal pride in my association with them.

These very able men have approached the matter of whether or not to permit ADAM POWELL to be seated from the very definitive point of view of the legal technicalities involved in the issue. It is correct and understandable that they should have done so. With this I have no quarrel. It would be somewhat more than disappointing if they had not. The fact that equally honest and capable men of the legal profession disagree with their conclusions and suggest that the right of this House to be the judge of the qualifications of its Members is not limited to the criteria outlined in article I, section 2, clause 2 of the Constitution compels me to state the issue before us from the moral point of view and I hasten to add, not without justification.

I have no personal feeling of ill will toward Mr. POWELL, I feel sorry for him because of his disgraceful display of arrogance and his utter lack of regard for the moral and legal responsibilities that are his as a member of the cloth and a representative of the people. The real tragedy is that with his intellect and ability, and I would like to believe dedication to service, that perhaps prompted him to seek a seat in this House when he was first elected, he has denied to this country the leadership of which he is capable—leadership which is needed to bring understanding and mutual respect between the peoples of our Nation that could hasten the reconciliation that is needed to effect responsible and orderly change in a world in which society is making unprecedented readjustments. However, the fact that I feel sorry for him and wish circumstances for him and the House would be different than they are, in no way deters me from seeking justice either for Mr. POWELL or for this body in which he served for 24 years or for such action that will not only apply equal demands upon others who might be guilty of equal offense but will protect this House from future embarrassment.

I am deeply concerned that justice be done; that the people of his district have the kind of representation they deserve and that he is not permitted to continue to be an offense to those with whom he must work to fashion legislation.

I will vote to deny Mr. POWELL a seat in this House not because I have any personal desire to further embarrass him, not because the majority of the people of my district, most of whom have limited knowledge and understanding of the nature of the decision we are here

forced to make, would want me to do so, but because by his own words he has served notice to this House that he has no regard for the character and integrity of those of us with whom he would have to serve if he were sworn in; because by his own admission he is either incapable of knowing right from wrong or else he is indifferent toward his responsibility in this regard.

I will vote to deny him a seat in this House because I do not believe in various levels of congressional representation. He is either fit to act in the full capacity of a representative of his district or he is unfit to serve in this House. If we would ever want to set the stage for continuous demonstrations and pressures against us, we are asking for it when we are willing to accept him as a second-class Member by denying him the full opportunity of serving his district and this would be done not only by denying him seniority rights but by the refusal of most of us to accept him as a colleague of equal stature.

I will vote to deny him a seat in this House because I believe he should not be permitted to further stain the image of the House of Representatives.

I will vote to deny him a seat in this House because to do otherwise would, in my opinion, serve notice to the law-abiding citizens of this land that we have a double standard, one for the citizen, the other for a public servant.

I will vote to deny him a seat in this House because at present he is a fugitive from justice and, until he is willing to face up to the charges, or at least the courts have made a ruling in this matter, I cannot in conscience feel I would be serving the best interests of the people of my district who are forced to abide by the laws he would help to frame but from which he claims immunity.

Law is never any better than the character and integrity of the men who write the laws, or those who administer them or those who interpret them. We have a moral as well as a technical legal obligation to protect the integrity of our laws. While it can be argued that he is only one among 435 lawmakers, it was his boast recently in a news interview that he had authored 60 pieces of legislation, all of which passed into law.

Our laws are built upon a moral foundation. If that foundation be destroyed, the whole structure of law will fall, no matter how many technical legal devices are devised to hold it together.

Let me take Mr. POWELL'S own words to point out his lack of respect for Members of this House with whom he would be expected to cooperate in the fashioning of legislation. Standing in the well of this House on January 10, 1967, he said, and now I quote from the daily House Journal of that date:

> There is no one here who does not have a skeleton in his closet. I know and I know them by name.

I have no skeletons in my closet that I know of. I am not anxious to cover up anything and I doubt if 99 percent of this House have skeletons in their closets. What a neat way to take the onus of guilt from one's shoulders; accuse everyone else. Mr. POWELL, as a clergyman at least, should not hope to justify what he has done merely because others may be as guilty as he in varying degrees. He must know that he must answer for himself. If all 434 of his colleagues lied and cheated and robbed the others of their substance, there is no moral law nor civil law that would justify the 435th member for committing the same offenses. If Mr. POWELL has convinced himself that all of the Members of this House are crooks, he needs help, not membership in the order.

Mr. POWELL, leaning upon the respect the public has displayed for men of the cloth, then proceeded to quote scripture: "He who is without sin should cast the first stone." Had Mr. POWELL, who certainly does not lack for a knowledge of scripture, bothered to quote in context the full impact of the scripture he so capably quoted, he would have told you that the woman being charged was subject to stoning under the law and that when no one proceeded to throw the stone, He turned to the woman and said, "Go and sin no more."

The House, I am sure, would be willing to forgive and forget the past would Mr. POWELL be willing to admit his guilt, but he stood before this House justifying his conduct as if he had no guilt at all.

It was shortly after his statement, "He who is without sin should cast the first stone," that he added, "Gentlemen, my conscience is clear, my case is in God's hands."

I submit that, based on the report of this committe, we are either not talking about the same ADAM POWELL or he does not in his own mind consider himself guilty of having done anything wrong. This being the case, can we vote to seat a man who takes what he has been doing as the norm for living and expects the people of this Nation to have respect for the House?

Gentlemen, there comes a time in the history of individuals and nations when the moral demands of God must take precedence over the technical interpretations of the laws of men. Our Nation is witnessing chaos and crime unlike that of any period in our history. Of course, there is more than one reason for this condition. Underlying it all is a moral breakdown in standards of conduct in faith and in the basic element of intergrity. This House must lead the Nation by example as well as by legislation into a more stable society in which moral foundations are again restored. We cannot expect our people to accept standards we are not willing to impose upon ourselves.

If I were a member of the board of directors of a corporation and was faced with the decision of whether or not to deny membership on this board of directors to one who had no regard for the integrity of the other members of that board and who was loose and irregular in his misuse of the funds of that corporation, I would have no doubt as to my decision nor of what my stockholders would want me to do. I am a member of the board of directors of this great Nation. Faced with this present decision, my conscience directs me to do what I must to preserve the integrity of the corporation on whose board of directors I am privileged to serve. Since Mr. POWELL by his own admission can see no wrong in what he has done, the report of the select committee notwithstanding, we would have to conclude that he would not mend his ways if he were again granted membership on this board of directors.

Mr. POWELL closed his remarks on January 11 by saying, "My case is in the hands of God."

I agree with Mr. POWELL that his case is in the hands of God. It is incumbent upon all of us to recognize that we are all instruments in the hands of God.

His case will also be in the hands of the courts.

But we must face the awful reality that today his case is in our hands. We must decide whether it is more necessary to bend to the letter of the law as interpreted by some very able lawyers; to publicly humiliate him and to satisfy a desire to punish him—although it may well be that the courts may well mete out justice and punishment due him—or to protect the integrity of the House; the respect for representative government and the interests of the people we represent. There is certainly room here for a decent difference of opinion in whatever course we choose to take. I trust that we will temper our sense of mercy and justice with commonsense.

Mr. FRASER. Mr. Speaker, I am opposed to the Curtis substitute on two principal grounds.

First, in a matter of the kind presented in the case of ADAM CLAYTON POWELL, the proceedings against him have a quasi-judicial character. The select committee which considered the charges against Mr. POWELL did its work diligently. Despite its bipartisan makeup, it returned a unanimous report to this House. It is my judgment that under these circumstances, the deliberations and conclusions of that committee should be sustained unless there are compelling reasons to set them aside. I found no such compelling reasons in this case. I do fear that the unwillingness of the House to accept the recommendations of this select committee flows from the widespread popular reaction against ADAM CLAYTON POWELL. This reinforces my conviction that the committee's findings should be sustained lest the House yield to pressure on a matter peculiarly within the province of this House to determine.

Second, the procedure incorporated in the Curtis substitute permits a Member to be deprived of his seat by a simple majority vote, notwithstanding the lack of any claim that Mr. POWELL has not met the constitutional qualifications. To deprive a Member-elect of his seat in this House is a very grave matter. As in the case of removal of other officials, it should require a two-thirds vote. Thus, as a matter of precedent and commonsense, I believe it is wrong for the House to proceed on a course requiring only a one-vote majority.

In all of this, Mr. Speaker, I hold no brief for the conduct of ADAM CLAYTON POWELL. But I do believe it is essential that, though there is widespread concern, the House give even more attention to the importance of maintaining

procedures which will safeguard the interests of everyone concerned.

Mr. CLEVELAND. Mr. Speaker, this House and indeed the Nation owes a distinct debt of gratitude to our distinguished colleague from Missouri [Mr. CURTIS]. Although I voted in favor of House Resolution 278, and support the report of the select committee established pursuant to House Resolution 1, I certainly do so with some reservations.

Among my reservations are the committee's implication that this House does not have the constitutional power to either exclude or expel a Member whose actions have been in clear violation of the law and thus brought disrepute to this body.

The substitute offered by the gentleman from Missouri [Mr. CURTIS] brings this issue into clear focus and if it is adopted, I shall support it on final passage.

In my opinion, the record that we have established in the debate here today shows clear justification for excluding the Member-elect from New York [Mr. POWELL]. In addition to the findings of the select committee, which are part of the record, it is clear to me, as has been pointed out here, that his actions have been in direct contempt of this body. Surely we have the power to punish by exclusion or otherwise a Member who is in continuing and flagrant contempt of the House.

It is not my purpose here to repeat or discuss the many arguments that have been brought forth in the debate. However, I do particularly wish to praise the gentleman from Missouri [Mr. CURTIS] for impressing on this body the importance of the work of the Joint Committee on the Organization of Congress, of which I am a member. I hope that this situation today will add fresh urgency to the need for immediate and aggressive action by this House to set our house in order.

Mr. GUBSER. Mr. Speaker, serious constitutional history is being written here today and I, for one, have doubts that it is being written sensibly.

I voted for the previous question on the original resolution presented by the select committee because I feared that if the matter were opened to hastily conceived amendments, the parliamentary situation would become tangled and sober, mature thought would not be possible.

The debate which has resulted and the confusion which prevails in this Chamber at this moment proves the wisdom of my vote.

Mr. Speaker, I am a strong constitutionalist. I bitterly resent the conduct of ADAM CLAYTON POWELL and earnestly desire the opportunity to inflict the punishment upon him which his wrongdoings deserve. But I will not do this by using the Constitution as a document of convenience.

In my opinion, the section of the Constitution which empowers Congress to determine and pass upon the age, citizenship, and inhabitancy of a Member-elect is clear and absolute. In my opinion, these words do not give the Congress any right to exclude a Member-elect except for failure to meet one or more of these three requirements. This, in my opinion, is all Congress is empowered to do insofar as exclusion is concerned.

The matter of expulsion is different. Clearly the Congress has the right to set up standards and qualifications for a Member and can expel a Member by a two-thirds vote for violation of these qualifications. But, it should be noted he must be a Member before he can be expelled.

To exclude a Member-elect on qualifications other than the three mentioned in the Constitution is to invite a court case and bring the judicial and legislative branches of government together on a collision course.

Furthermore, if we are to start the practice of placing new interpretations on the Constitution for the purpose of fitting them to specific instances or cases, then we are embarking on a dangerous practice which could be subject to future abuse. Who knows where it might end?

The strength of our Constitution is its consistency and we should not urge an inconsistent interpretation to exclude under a majority vote when the proper course is to expel by a two-thirds vote.

Had we passed the committee's recommendations, ADAM CLAYTON POWELL would have been seated and he would have been punished. Furthermore, he would still be liable to expulsion.

If the Curtis amendment is adopted, a legal cloud will be cast over our action. I, personally, would favor seating him and then doing the thing which is clearly proscribed by the Constitution and is subject to no doubt whatsoever. We should seat him and then expel him.

I shall vote against the previous question on the Curtis amendment simply because I believe future and perfecting amendments should be allowed. But if the previous question is ordered, then I will be placed on the horns of an impossible dilemma.

Mr. Speaker, I want to expel ADAM CLAYTON POWELL, by seating him first, but that will not be my choice when the Curtis amendment is before us. I will be forced to vote for exclusion, about which I have great constitutional doubts, or to vote for no punishment at all. Given this raw and isolated issue, the only alternative I can follow is to vote for the Curtis amendment. I shall do so, Mr. Speaker, with great reservation.

Mr. MATHIAS of Maryland. Mr. Speaker, the question before the House today is highly complex and deeply troubling. It touches not only upon a matter of public policy, but also upon an issue of private justice toward an individual, and upon the very integrity of the House itself.

There is much to be said about each of these aspects—but the specific decision that must first be made is the acceptance of the report of the select committee. I cannot accept the report as written, and briefly direct my remarks to the third recommendation made by the report, which provides:

> That Adam Clayton Powell, as punishment, pay to the Clerk of the House to be disposed of by him according to law, $40,000. The Sergeant-at-Arms of the House is directed to deduct $1,000 per month from the salary otherwise due the said Adam Clayton Powell and pay the same to said Clerk, said deductions to continue while any salary is due the said Adam Clayton Powell as a Member of the House of Representatives until said $40,000 is fully paid. Said sums received by the Clerk shall offset to the extent thereof any liability of the said Adam Clayton Powell to the United States of America with respect to the matters referred to in the above paragraphs 3 and 4 of the preamble to this resolution.

I object strongly to the use of the words "as punishment" in connection with the provision for repayment of the funds that the select committee has determined, as a finding of fact, were public funds "wrongfully and willfully appropriated—for his own use." I cannot conceive of a situation where the payment of a just debt could be construed to be "as punishment." This is particularly difficult to accept when the repayment is to be made from public funds placed in the House salary account, and in $1,000 installments insufficient to cover the alleged misappropriation within the 22 months remaining in the 90th Congress.

But over and above this question of propriety, I must agree with the constitutional point raised by the gentleman from Michigan [Mr. CONYERS], that the imposition of this punishment is of doubtful validity. The Constitution guarantees that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury—nor be deprived of life, liberty, or property, without due process of law." Thus I would conclude that this House does not have the power to order this relatively meaningless game of pitching pennies back and forth.

This conclusion is fortified by an analogy to the provisions of article I, section 3 of the Constitution, relating to the power of impeachment. It is there specified that upon conviction by two-thirds of the Members present:

> Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law."

There is, at the very least, an implication that the Constitutional Convention was attempting to avoid the creation of any sort of legislative tribunals or parliamentary magistrates. I am convinced that the attempt to collect any debts due the United States or to impose any fine or "punishment" should not be undertaken by the Congress, but must be the responsibility of the Attorney General and the courts.

I am forced to reject the recommendation of the select committee and to vote against the previous question.

Mr. RYAN. Mr. Speaker, the pending amendment offered by the gentleman from Missouri [Mr. CURTIS] to exclude the Member-elect, ADAM CLAYTON POWELL, from membership in the 90th Congress presents grave constitutional and policy questions.

There is no doubt that ADAM CLAYTON POWELL was duly elected by the voters in the 18th Congressional District. This is not similar to the Mississippi delegation challenge which I initiated at the beginning of the 89th Congress. In that case there was a clear disenfranchisement of substantial numbers of voters. The question was not the qualifications of the individual Members-elect but the unconstitutionality of the process by which they were elected. Although there was overwhelming evidence to show that their elections were unconstitutional, the House voted to seat the five Members-elect from Mississippi. In fact, many of my colleagues, who are so anxious to exclude Mr. POWELL, stated at the time of the Mississippi challenge that to exclude Members of the House would set a very dangerous precedent.

When the issue is not the unconstitutionality of his election but the qualifications of the individual Member-elect, then indeed exclusion is a dangerous precedent.

If today the House is able to exclude a member because it disapproves of his conduct, tomorrow the House may feel free to do so because it disapproves of opinions, philosophy, or political action. Although the conduct may be reprehensible and the views repugnant or controversial, the democratic process is only as strong as our faith in the judgment of the voters.

In our democracy it is up to the voters to choose their representatives. When the voters have free choice and full opportunity to exercise their franchise, we should not substitute our judgment for theirs. To do so undermines the right to vote, the very foundation of our democratic form of government.

That is not to say the House cannot take measures to insure proper conduct of its Members. The House can and should pass a code of ethics which applies equally to all Members. The House can also deprive a Member of his position in the House. In fact, the Democratic caucus has already severely punished Congressman POWELL by depriving him of his committee chairmanship.

The exclusion of a Member is not only a dangerous precedent but it also raises grave constitutional questions. This amendment is particularly subject to constitutional objections since the expressed purpose is to prevent the Member-elect from being seated if he runs for reelection and is again elected by his constituents. Since in all likelihood he will be overwhelmingly reelected if he chooses to run again, the amendment before us may very well disenfranchise the people in the 18th Congressional District for the duration of this Congress. Does the House have the right to do this under the Constitution?

Mr. Speaker, there is also the basic question of whether or not the House has the right to question the qualifications of an individual Member-elect other than the three set forth in article I, section 2, of the Constitution, which states:

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Able constitutional lawyers, including distinguished members of the select committee, believe that the House cannot constitutionally exclude a duly elected Member-elect who possesses the requisite qualifications of age, citizenship and inhabitancy.

The Curtis amendment to exclude does not rest upon a challenge to the Member-elect's qualifications under article I, section 2 of the Constitution.

The Curtis amendment would deprive the voters of the 18th Congressional District of their right of representation. If the voters are not permitted to be the final arbiters of a Representative's eligibility to be a Member of this body, then the fabric of our democracy is impaired.

Mr. MACHEN. Mr. Speaker, I voted against the recommendations of the select committee because I believe them to be inadequate for the offenses enumerated in its report. There is a listing in this report of misconduct on the part of ADAM CLAYTON POWELL that involves both abuse of his prerogatives as a powerful committee chairman and contempt of the courts of the State of New York to a degree that is shocking and unprecedented by a man in his position.

His actions were even more despicable because the moneys he misused were available to him on the assumption that a responsible chairman of one of the House's major committees would have the honor and respect to utilize his privileges only in the service of his constituents and the Nation.

Yet this report uses language similar to that of a criminal indictment to describe the manner in which funds were diverted for personal purposes.

I cannot believe that censure of a man like this who has already mocked the dignity of the judiciary and flaunted his disregard for his colleagues and their opinions would be any punishment at all.

And I further have grave reservations about the wisdom of the fine that was recommended by the committee. For one thing, the terms of repayment make an absolute assumption that the people of the 18th District of New York will return this man to office again in the 91st Congress.

Second is the legal question of the bearing such restitutional payment would have on possible criminal action to be taken by the Justice Department in this case. As a lawyer, this point disturbs me and I did not feel that I could acquiesce in such a recommendation. Thirdly, acceptance of a fine implies to me that his original misappropriation has been condoned.

However, now that the difficult decision has been made to exclude a Member who had served in these Halls for over 22 years, the House cannot quickly turn its back and pretend as though nothing has happened.

The Nation and the world have watched our actions closely and I know that there is a question in many quarters as to why Representative POWELL's behavior went on so long. The actions of ADAM CLAYTON POWELL were deplorable but they were tolerated by this House over a long period of time.

The formation of a strong Committee on Ethics is the best answer to that question. I believe that support for such a committee is the moral obligation of every Member who voted against the select committee report. The Powell case must provide the catalyst for the establishment of such a body that would not only have the authority to investigate but the power to enforce its sanctions.

There was much reference in the debate to the damage done to the reputation of the House by the behavior of the Harlem minister. We do not wipe out this stain by one moralistic act. We must be consistent, just and firm. We will only play into the hands of the more emotional opponents of punishment unless we demonstrate that they are wrong when they argue that POWELL only did what others do, or that his punishment was related in any way to his race.

We have nothing to fear from the formation of such a committee. Let us not permit the American people to think we do.

Mr. UDALL. Mr. Speaker, I intend to cast my vote today in support of the recommendations made by the select committee. I commend Chairman CELLER and the eight members of the committee for handling a difficult assignment with courage, skill, and sound judgment. I also commend the distinguished minority leaders, Representative FORD and Representative ARENDS, and the other leaders of the minority party in the House for their support of the select committee and for their refusal to be stampeded by the public emotions which have been aroused in this case. I am particularly gratified to learn that my able colleague from Arizona, Representative RHODES, one of the important leaders of the minority, will support the adoption of the select committee's recommendation.

I know the pressures my colleagues are under and the public clamor aroused by this case. The mailman comes to my office, too. We are served by Western Union and our telephones continue to ring. There is often a difference, however, between what is momentarily popular and what is right.

Particularly appropriate in the debate today is the adage among lawyers that "hard cases make bad law." What the lawyers mean by "hard cases make bad law" is illustrated in the suit, Little Orphan Annie against United States Steel. In this suit, Little Orphan Annie simply has no legitimate claim and there is a temptation to stretch legal principles in order to find some tenable basis for a ruling that one's emotions would like to make. Thus, in our case today, with all the clamor and publicity, there is understandably a tendency to try and find some constitutional or legal basis for excluding Mr. Powell, when the best lawyers of the House and the constitutional precedents of the past tell us clearly that the proper course is to seat the Member-elect, and then punish him as recommended by the select committee.

When the Founding Fathers met to draft our Constitution, they pondered the fundamental question before us today;

that is, can or should the House impose additional qualifications beyond the three enumerated: age, citizenship, inhabitancy. It was Madison and Hamilton who argued successfully that the answer should be negative. Their philosophy was simple and it was wise. It has worked for 180 years. These men were keenly aware of the danger of adding to these three qualifications—perhaps a religious test, personal morality, and the rest—not because they hoped the voters would elect immoral or irreligious men, but because such a power might dangerously permit a majority to disenfranchise a minority.

The basic belief of Madison and the others was that the people are capable of self-government. As practical politicians, they recognized that, in the short run, individual constituencies might make mistakes, but in the long run, they would come out right, and they must be left to make the decisions as to whom will represent them in Congress. Democracy would remain safe and secure, they thought, because there would be no appealable authority above the people of a constituency themselves. They had faith, and I have faith in the capacity of the people of America for self-government.

But, if we must ordinarily live with the decisions of the voters in each district, should we not provide some machinery to protect the honor and dignity of the House when we believe that a particular decision has been wrong? Must we sit by idly when the 500,000 people have selected, as we might think, a scoundrel?

Of course, all of us would like to see in every Congress that every Member is uniformly loyal, trustworthy, helpful, friendly, courteous, kind, cheerful, brave, clean, and reverent. In real life, however, in a Federal system with 435 diversified constituencies, it is inevitable that some Members will be elected who might appear to the Nation at large—even a large majority of the House—to be thoroughly unqualified.

The Federal system is built on tolerance of these diversities. And, except for a few isolated cases involving treason or conviction of a felony, we have followed the principle that a Member elected by his constituency will be seated.

We have heard much about the need for an effective ethics committee, and we do need one. Yet, each one of the 435 constituencies is, in effect, a kind of "grievance or ethics committee," which meets in November of even-numbered years. Sooner or later, and usually sooner this constituency will remove members of unquestionable moral or ethical standards. POWELL's is a hard case and an extreme case because we have a most unusual constituency of the kind we have rarely seen in our history—a constituency which will elect a man who is guilty of all the sins and omissions found by the select committee. Let me pose this question: Can my colleagues name any other Member of the House who could do, or be charged with doing, even one-half of the misdeeds charged against Mr. POWELL and still get reelected? The answer is clearly no. Yet, in the emotionalism of the day, we are asked to violate and discard a sound principle of 180 years' standing in order to reach this one unusual case.

The vast majority of the 10,000 men who have served in Congress have been above reproach, and this is still true today. But, under the overriding principle described above, this House, on occasion, has seated abolitionists, segregationists, integrationists, former Confederate generals, men under indictment, and those fresh out of jail, tax evaders, reformed alcoholics, the very young, the senile and the very old, those with one eye or one leg, the halt, the lame, and the blind.

We have done so because of this fundamental federal principle of tolerance for the decisions of the diverse constituencies which make up the House. It is not a perfect rule, but it works better than any other that might be devised.

It is for these reasons and for these reasons only that I favor seating Mr. Powell. He is most definitely not my idea of a proper Congressman. But the question of seating is an entirely different one from the undoubted and constitutional right of the House to censure or to punish. I specifically support the extreme, harsh and unprecedented punishments proposed by the select committee. Let me list what the committee proposes: that Mr. Powell be given the oath of office, that upon taking the oath, he be publicly censured by the Speaker in the name of the House; that he pay to the Clerk of the House $40,000; and that in the event he does not appear on or before March 13, 1967, to take the oath of office, under these harsh terms, his seat shall be deemed vacant.

This brings me to another reason why I support the committee's recommendation to seat and then punish Mr. Powell. Let us assume for a moment that the Founding Fathers were wrong; that we agree that the House can and should set additional qualifications beyond those of age, citizenship and inhabitancy. Let us assume further that we can somehow agree on what those additional conditions should be; that we can resolve the arguments whether to include private morals and conduct, payment of taxes, church attendance, or whatever.

Having decided what these additional conditions should be, the fundamental question then arises: can we apply these additional conditions ex post facto? If we should enter this field, as a majority of the House seems to feel today, is it fair to make these additional requirements for seating and then apply them retroactively? I think not. If we are to have these additional qualifications, let us create the permanent Committee on Standards and Conduct as proposed by the gentleman from Florida [Mr. BENNETT] and by my identical bill, House Resolution 102. Let that committee recommend the standards and let the House adopt them. Then let them be applied thereafter to all who fail to measure up.

The final irony to me is that it is unnecessary to make bad law, unnecessary to violate 180 years of sound tradition—which has served us not perfectly but better than any other system in a diverse federal union—when the result, in my judgment, will be the same.

Sometimes, it is not so important what is done as it is how it is done. In my judgment, if the resolution of the select committee is adopted Mr. Powell will not be seated because he will refuse to take his seat under the harsh terms prescribed. In that case, he will have faced the hard choice, and excluded himself of his own volition.

On the other hand, the substitute proposed by the gentleman from Missouri [Mr. CURTIS] requires that we exclude him in violation of our sound constitutional tradition and procedures.

What is worse, instead of his making him a martyr of himself, we will make the martyr and we will convince many of our 20 million Negro fellow citizens that we acted, in part, out of prejudice.

I know the temper of the House today, and suspect that my vote will be in the minority. But, I believe the bipartisan select committee's recommendations are right, and I think my vote will clearly appear to be right when today's understandable passions and feelings of outrage—which I personally share—have subsided.

Mr. MOORHEAD. Mr. Speaker, I rise to support the right of the people of the 18th Congressional District to have their constitutionally qualified and duly elected Representative seated in the House of Representatives.

If the behavior of the man they have elected is such that he should not be permitted to be a Congressman, the House should proceed in a constitutional manner under section 5 of article I, which provides that each House of Congress may "punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

The question before the House is the behavior of Adam Clayton Powell, not his constitutional qualifications. The only constitutional qualifications for membership are age, citizenship, and inhabitance. There is no question but that Adam Clayton Powell meets these constitutional qualifications. Section 5 of article I provides that:

> Each House shall be the Judge of the . . . qualifications of its own Members.

The Constitution authorizes the House to judge constitutional qualifications but not to establish new qualifications not enumerated in the Constitution.

If the Congress has the power to expel Mr. Powell by a two-thirds vote, should it exert this power? The select committee thought not. The select committee thought that the right of the people of the 18th District of New York to select their own Representative is a right so basic in our democracy that it should not be lightly tampered with. On the other hand, the select committee thought that the behavior of Mr. Powell was such that the committee recommended the most serious punishment that has ever been recommended in a case of a Member or Member-elect to the Congress.

The select committee recognized that the people of the 18th Congressional District of New York are entitled to choose their Representative, but not necessarily

to have their Representative be a chairman of a standing committee. The select committee therefore recommended that Mr. Powell be placed at the bottom of the seniority list. The select committee also recognized that as a practical matter the removal of the chairmanship and his seniority was not subject to appeal to the people of the 18th Congressional District of New York. Whereas, after expulsion by a two-thirds vote, Mr. Powell would probably be reelected to Congress by an overwhelming majority and either the vote of expulsion would be nullified or an unending series of expulsion votes and reelections would ensue, which would have racial overtones of the most unfortunate kind.

At any rate, Mr. Speaker, let us proceed strictly in accordance with the Constitution and seat this duly elected and constitutionally qualified Member-elect and then determine what punishment should be administered to him. Let us not punish the people of the 18th Congressional District by depriving them of representation in the Congress of the United States.

Mr. CELLER. Mr. Speaker, pursuant to general leave granted to revise and extend my remarks on House Resolution 278, I insert the following observations on the power of the House of Representatives to exclude a Member-elect.

I have made an exhaustive study of congressional history and past practice and precedent of the Senate as well as the House of Representatives for the purpose of determining the scope of the power, if any, of Congress to exclude a Member for qualifications not specified in article I, section 2. It is generally accepted that the roots of the power of the legislature to exclude its Members lie deep in the history and customs of this country and England.[1] Thus the framers of the Constitution were generally aware that in England the qualifications for membership in the House of Commons were not fixed either in a written constitution or a statute, and that the absence thereof had led to the famous John Wilkes case. Wilkes was four times reelected by the voters of Middlesex and each time refused a seat by the House.[2]

The Wilkes event was well known in the Colonies and apparently led to the general procedure of fixing in the State constitutions the qualifications for membership in the two legislatures.

The framers of the Constitution were also well aware of the wide diversity of approach adopted by the various State legislatures in judging the qualifications in seating their members.[3] Thus, the reported debates and records of the Constitutional Convention reflect that the framers of the Constitution were aware, on the one hand, of the need for the Legislature to maintain some control over the election of its own Members while, at the same time, recognizing the evils which might flow from the unrestrained legislative power in this area. These framers were familiar with the scenes so graphically described by English historians of the exclusion of Members of the House of Commons by a strict party vote in order that the party might remain in power.[4] For example, the Convention considered the proposal of Gouverneur Morris which would have left the Legislature entirely at large to set qualifications for membership in each House—Second Farrand, The Records of the Federal Convention, page 250. Madison opposed the vesting of such broad powers in the Legislature, pointing out that it could thereby subvert the republican form of government, that qualifications founded on artificial conditions might be devised by the stronger party in order to keep out weaker parties of a faction, and that the British Parliament possessing such a power had so abused it as to make changes subservient to their own views or to the views of religious or political parties—Second Farrand, page 250.

Warren has commented that—

> The Convention evidently concurred in these [Madison's] views, for it defeated the proposal to give to Congress the power to establish qualifications in general by a vote of seven states to four. . . . (Warren, The Making of the Constitution (1928), p. 421.)

The Supreme Court of the United States, in its recent decision in the case of *Bond* v. *Floyd*, —— U.S. ——, 87 S. Ct. 339, December 5, 1966, summarized the constitutional history concerning the power of the Congress to alter the qualifications, in footnote 13, as follows:[5]

> Madison and Hamilton anticipated the oppressive effect on freedom of expression which would result if the legislature could utilize its power to judging qualifications to pass judgment on a legislator's political views. At the Constitutional Convention of 1787, Madison opposed a proposal to give to Congress power to establish qualifications in general. Warren, The Making of the Constitution (1928), 420–422. The Journal of the Federal Convention of 1787 states:
>
> "Mr. Madison was opposed to the Section as vesting an improper and dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution. . . . Qualifications founded on artificial distinction may be devised, by the stronger in order to keep out partizans of a weaker faction.
>
> "Mr. Madison observed that the British Parliament possessed the power of regulaing the qualifications both of the electors, and the elected; and the abuse they had made of it was a lesson worthy of our attention. They had made the changes in both cases subservient to their own views, or the views of political or Religious parties." 2 Farrand, The Records in the Federal Convention of 1787 (Aug. 10, 1787), pp. 249–250.

Hamilton agreed with Madison that:

> "The qualifications of the persons who may choose or be chosen . . . are defined and fixed by the constitution; and are unalterable by the legislature." The Federalist, No. 60 (Cooke ed. 1961), 409.

The general proposition that since the U.S. Constitution specifies the qualifications of Members of Congress in article I, section 2, Congress may not add additional qualifications of its own, has found general support from constitutional commentators and text writers. Thus Professor Warren, in his study of the history of the Constitutional Convention, "The Making of the Constitution," in referring to the action of the Convention in establishing the qualifications of age, citizenship and inhabitancy, concludes:

> Such action would seem to make it clear that the Convention did not intend to grant to a single branch of Congress, either to the House or to the Senate, the right to establish any qualifications for its members, other than those qualifications established by the Constitution itself, *viz.*, age, citizenship, and residence. For certainly it did not intend that a single branch of Congress should possess a power which the Convention had expressly refused to vest in the whole Congress. As the Constitution, as then drafted, expressly set forth the qualifications of age, citizenship, and residence, and as the Convention refused to grant to Congress power to establish qualifications in general, the maxim *expressio unius exclusio alterisu* would seem to apply. . . . The elimination of all power in Congress to fix qualifications clearly left the provisions of the Constitution itself as the sole source of qualifications.[6]

Mr. Justice Story, in his Commentaries, similarly concludes that:

> It would seem but fair reasoning upon the plainest principles of interpretation that when the Constitution established certain qualifications as necessary for office, it meant to exclude all others as prerequisites. From the very nature of such a provision, the affirmation of these qualifications would seem to imply a negative of all others.[7]

I believe that the force of the foregoing constitutional construction is reen-

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[1] *The Right of Congress to Exclude its Members*, 33 Va. L. Rev. 332 (1947).

[2] *Ibid.*

[3] *Ibid.* For example, the qualifications to vote often listed age, sex, religion, residence, citizenship, office holding, freedom from criminal conviction, and most important of all, freeholding. Qualifications for election to office were often even higher than those required for voting. Also see, Clark, *Parliamentary Privilege in the American Colonies* (1943).

[4] See 15 Georgetown L.J. 382, 389.

[5] The *Bond* case involved the exclusion of a Representative-elect by the Georgia legislature. While the court's decision turned on the point that the disqualification of the Representative-elect from membership in the Georgia legislature because of certain statements he had made violated Bond's right of free expression under the First Amendment, the court's interpretation of the constitutional history of the power of Congress to alter qualifications for seating is the best indication of its probable position on this question.

[6] Warren, at p. 420.

[7] Story, *Commentaries on the Constitution* (5th Ed., p. 460). For other commentators reaching similar conclusions, see Cushing, *Elements of the Law and Practice of Legislative Assemblies in the United States of America*, Sec. 65, p. 27 (1866); McCrary, *Elections*, 3d Ed., Sec. 312, p. 214 (1887); Tucker, *Treatise on the Constitution*, p. 394; Foster, *Treatise on the Constitution*, p. 367 (1895); Willoughby, *Constitutional Law of the United States*, 2d Ed., Sec. 337; Meecham, *Public Offices*, 164 (1890). See also 33 Virginia Law Review, 322 (1947): 30 Law Notes 181 (1927); 4 Notre Dame Lawyer 3 (1928). Also, where the question has arisen in regard to State constitutions, the above principle has been affirmed. *Black* v. *Trover*, 79 Va. 123 (1884); *Thomas* v. *Owen*, 4 Md. 189 (1953). *Contra: Ohio ex rel. Att. Gen.* v. *Covington*, 29 Ohio St. 102 (1876); *Darrow* v. *The People*, 8 Colo. 417 (1885).

forced by the provision of amendment XIV, section 3:

No person shall be a Senator or Representative in Congress * * * who, having previously taken oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Persuasive arguments have been advanced that if Congress were able to impose qualifications as it saw fit, it would not have been necessary to amend the Constitution to achieve the above result—Thirty-third Virginia Law Review, supra at page 332. A comprehensive discussion of this point of view may be found in the minority report of the House of Representatives on the Brigham Roberts case. House Report No. 85, part 2, 56th Congress, first session (1960). Also see 88 CONGRESSIONAL RECORD 2859 (1942).

CONGRESSIONAL PRECEDENT IN EXCLUSION CASES

An analysis of congressional precedent in exclusion cases reveals that historically both the Senate and House of Representatives have given constant recognition and attached significant weight to the proposition that Congress in seating a Member should not consider qualifications other than those specified in article I, section 2 of the Constitution.[8]

Two comparatively recent election cases, the case of the seating of Francis H. Shoemaker in the House of Representatives in 1933, and the case of the seating of William Langer in the Senate in 1942 serve to illustrate recent decisions on this issue.

The case of Francis H. Shoemaker in the 73d Congress, 1933, is one of the most recent decisions on the issue of the House of Representatives. Representative Shoemaker was seated by the House in 1933 although he had been convicted of a violation of a Federal mail libel statute and had served a sentence in the Federal penitentiary.[9] Representative Lemke, who led the fight for the seating of the Member-elect, stated the issue as follows:

Mr. Speaker, the question before the House is whether Mr. F. H. Shoemaker is entitled to a seat in this House or whether he is disqualified.

I make the statement without fear of contradiction that he is not disqualified but is qualified to sit here as a Member of this House under the Constitution of the United States of America and under the rules and regulations of this House.

In the first place, the qualifications for a Congressman are the following:

"No person shall be a Representative who shall not have attained to the age of 25 years, had been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

This is the qualification required by the Constitution of the United States.

Representative Carter of California referred to the case of Brigham Roberts and posed the following question:

Do you desire to maintain the integrity of this House, or are you going to admit every person that has those three necessary Constitutional qualifications that were referred to a few moments ago for admission to this House?

In response to Representative Carter, Representative McKeown stated:

The Constitution says that there are three qualifications for a member of the House. Neither the State Legislature of Minnesota nor the Congress of the United States can change these qualifications. They are written into the Constitution by the great fathers of the Republic, and they cannot be changed by law.

At the close of the debate, it having been determined that Member-elect Shoemaker possessed the three constitutional qualifications, the House adopted a substitute resolution calling on the Clerk to administer the oath to Mr. Shoemaker.

One of the most exhaustive discussions of the constitutional issue of qualifications is contained in the debates[10] involving the seating of Senator William Langer, who was seated in 1942 despite a challenge involving—

Charges against Langer [which] were numerous and chiefly involv[ing] moral turpitude, embracing kickbacks, conversion of proceeds of legal settlements, acceptance of a bribe in leasing government property, and premature payments on contracts of advertising. *Senate Election, Expulsion & Censure Cases*, Sen. Doc. No. 71, 87th Cong., 2d Sess. p. 141.

Senator Murdock stated the issue as follows:

What do we judge? A man comes here and presents his credentials and claims that he has the constitutional qualification to be a Senator. As judges of that fact, we look at his credentials; we consider his constitutional qualifications. Where do we find them stated? We find them set out in the Constitution. I believe it was contemplated by the framers of the Constitution that when a man came here with credentials from his State, and claimed to have the constitutional qualifications, the matter could be judged by the Senate in not to exceed a week or 2 weeks' time; but when the word 'judge' is construed to mean the power to add qualifications, about which the State does not know, about which the Senate does not know, then, of course, there is brought about the type of farce which resulted in taking 4 years to determine that Reed Smoot was entitled to sit here as a United States Senator, and the type of farce which has resulted in Senator LANGER's right to a seat being held in abeyance for more than a year, the committee searching his life almost from childhood up to the present time.

Oh, did the men who wrote the Constitution ever contemplate that such a thing as that would happen? In framing the Constitution they had the right to decide what tribunal should be the judge of the morals and the intellectual qualifications of the men sent here, and they decided that the people of the sovereign States should have that power, restricted only by the very definite but simple qualifications enunciated in the Constitution itself, 88 Cong. Rec. 2476–77 (1942).

At another point, Senator Murdock went on to say:

I desire to read again the provision—

"Each House shall be the Judge of the Elections, returns, and Qualifications of its own Members. . . ."

To my mind, the word "judge" means to look at the qualifications contained in the Constitution. That is what the verb "judge" means: To judge of something in existence—law or facts—and to apply the law to the facts. To extend the definition of the word "judge" to mean that we can superadd to these qualifications, in my opinion, is a misconception of the word itself. 88 Cong. Rec. 2475 (1942).

During the debates, Senator Taft further stated:

If the Senate can say that the absence of moral turpitude is a qualification, it can impose qualifications based on morals, the religion or lack of religion or the philosophical views of any person elected * * * The existence of such a power would give the majority of either House the ability to exclude those who disagreed with the opinions of the majority * * * It is my belief that Section 5 of Article I was only intended to make each House the final judge of whether a man was properly elected and whether he met the qualifications prescribed by the Constitution itself. 88 Cong. Rec. 2859 (1942).

In a small number of cases affected by the temper of the times, Congress has considered the qualifications other than those enumerated in the Constitution. Broadly speaking, these deviations fall into three general categories reflecting anti-Mormon—polygamy[11] and anti-Confederate[12] feeling and a case involving a Member-elect found guilty of giving

[8] See the contested election case of *William McCreery*, 10th Cong., 1807, 1 Hinds, Sec. 414 Report of the Committee on Elections, Annals of Cong., Nov. 1807, p. 872; *Turney* v. *Marshall* and *Fouke* v. *Trumball*, 34th Cong., 1856, 1 Hinds, Sec. 415. Senate Precedent; see the contested case of *Benjamin Stark*, 37 Cong., 1862, 1 Hinds, Sec. 443; case of *Humphrey Marshall*, S. Journ. 4 Cong., 1st Sess., pp. 194 *et seq.* Thus the report of the Election Committee in *Turney* v. *Marshall* and *Fouke* v. *Trumball* cases, *supra*, stated the concept as follows: "The qualifications of a Representative, under the Constitution, are that he shall have attained the age of 25 years, shall have been seven years a citizen of the United States, and when elected, an inhabitant of the state in which he shall be chosen. It is a fair presumption that when the Constitution prescribes these qualifications as necessary to a Representative in Congress it was meant to exclude all others.

* * * * *

"By the Constitution, the people have a right to choose as Representative any person having only the qualifications therein mentioned, without superadding thereto any additional qualifications whatever." 1 Hinds, pp. 385–386.

[9] 77 Cong. Rec. 73–74 (1933).

[10] 77th Cong. (1942), S. Journ. 77 Cong., 1st Sess., pp. 8 *et seq.*, 2d Sess., pp. 3 *et seq.*

[11] Case of *Brigham Roberts*, 56th Cong. 1899, 1 Hinds, Section 474. This case involved a Member-elect from Utah who was barred from his seat on the ground that he was a polygamist in accord with the Mormon faith and had been convicted of violating a federal act prohibiting bigamy. But see case of *Reed Smoot*, 58th Cong., 1903, 1 Hinds 481–484 (Mormon seated by Senate.)

[12] Cases of Kentucky members, 40th Cong., 1867, 1 Hinds, 449, 550, 551 which were barred on the grounds that the Members-elect had served in the Confederate Army during the Civil War. It is noteworthy, however, that Section 3 of the Fourteenth Amendment was subsequently adopted, which expressly disqualified former active Confederates from serving in Congress.

aid and comfort to the enemy.[13] A fourth category sometimes referred to is that Congress may exclude a Member who has resigned to escape expulsion.[14] The exceptions represented by these categories has been both explicitly and implicitly overruled by the House of Representatives and the Senate in recent years in the Shoemaker case, supra, 1933, and the Langer case, supra, 1942. In short, although House and Senate precedent may be found where qualification factors other than those enumerated in the Constitution have been used as grounds for exclusion, these instances reflect a minority viewpoint. Whatever divergency of viewpoint appears in congressional precedent makes it all the more imperative in my opinion that strong adherence be given to the language of the Constitution itself, and the intent of the framers of that document as reflected in the history of the Constitutional Conventions.

Mr. CURTIS. Mr. Speaker, I have already asked consent for all Members to extend their remarks during this debate. Because time is now running out, Mr. Speaker, I do now move the previous question on my amendment and the resolution.

The SPEAKER. The gentleman from Missouri moves the previous question on the amendment to the resolution and on the resolution.

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. STRATTON. Mr. Speaker, my parliamentary inquiry is this: If the previous question is not voted down it will not be possible to offer other amendments to this resolution?

The SPEAKER. If the previous question is voted down then the question of recognition would be taken up, and the Chair would give recognition to some other Member who could offer a motion.

Mr. STRATTON. But, Mr. Speaker, if the previous question is voted up, then other amendments will not be in order? Is that the case?

The SPEAKER. That is correct.

Mr. STRATTON. Thank you, Mr. Speaker.

The question was taken; and on a division (demanded by Mr. STRATTON), there were—ayes 151, noes 66.

Mr. CELLER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All Members in favor of taking the vote by the yeas and nays will rise and remain standing until counted.

Sixty-five Members have arisen, a sufficient number.

The yeas and nays were ordered.

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CELLER. Mr. Speaker, there was so much confusion, we did not hear whether this was on the amendment of the gentleman from Missouri.

The SPEAKER. The question is on ordering the previous question on the amendment and the resolution.

The question was taken; and there were—yeas 263, nays 161, not voting 8, as follows:

[Roll No. 23]

YEAS—263

Abbitt
Abernethy
Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Bolling
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Corbett
Cowger
Cramer
Cunningham
Curtis
Davis, Ga.
de la Garza
Denney
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Fino
Fisher
Flood
Flynt
Fountain
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Gibbons
Goodell
Goodling
Gray
Green, Oreg.
Gross
Grover
Gurney
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Hardy
Harrison
Harsha
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Herlong
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McMillan
Machen
Mahon
Martin
Mathias, Calif.
May
Mayne
Miller, Ohio
Mills
Minshall
Mize
Montgomery
Morgan
Morris, N. Mex.
Myers
Natcher
Nelsen
Nichols
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Pettis
Pickle
Poage
Poff
Pool
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roudebush
Roush
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Tuck
Utt
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Williams, Miss.
Williams, Pa.
Willis
Winn
Wright
Wyatt
Wylie
Wyman
Young
Younger
Zablocki
Zion
Zwach

NAYS—161

Adams
Addabbo
Albert
Annunzio
Ashley
Ayres
Barrett
Bingham
Blatnik
Boggs
Boland
Bolton
Brademas
Brasco
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Carey
Celler
Cohelan
Conable
Conte
Conyers
Corman
Culver
Daddario
Daniels
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Diggs
Dingell
Donohue
Dow
Dulski
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Farbstein
Feighan
Findley
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Gallagher
Gialmo
Gilbert
Gonzalez
Green, Pa.
Griffiths
Gubser
Gude
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Helstoski
Hicks
Holifield
Holland
Howard
Irwin
Jacobs
Joelson
Karsten
Kastenmeier
Kelly
Kirwan
Kluczynski
Kupferman
McCarthy
McEwen
McFall
MacGregor
Madden
Mailliard
Marsh
Mathias, Md.
Matsunaga
Meeds
Meskill
Michel
Miller, Calif.
Minish
Mink
Monagan
Moore
Moorhead
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass
Ottinger
Patten
Perkins
Philbin
Pike
Pirnie
Pollock
Price, Ill.
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Riegle
Robison
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ruppe
Ryan
Sandman
St Germain
St. Onge
Scheuer
Sisk
Smith, Iowa
Stanton
Steed
Stratton
Sullivan
Taft
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Ullman
Vanik
Whalen
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wydler
Yates

NOT VOTING—8

Bow
Cahill
Dawson
Edwards, La.
Friedel
King, Calif.
Macdonald, Mass.
Morse, Mass.

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Edwards of Louisiana with Mr. Bow.

Mr. Macdonald of Massachusetts with Mr. Morse of Massachusetts.

Mr. PIKE changed his vote from "yea" to "nay."

Mr. DELANEY changed his vote from "yea" to "nay."

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[13] Case of *Victor Berger*, 66th Cong., (1919), 6 Cannons, Sec. 56. This case involved a refusal to seat a Congressman-elect who had been found guilty in World War I of violation of the Espionage Act. It is noteworthy that, in addition to looking at the so-called qualification factors, the majority House report further justified the exclusion of Berger under Section 3 of the Fourteenth Amendment barring from the office of Representative anyone who has "given aid or comfort to the enemies" of the United States.

[14] This category is predicated upon the novel facts involving the exclusion of B. F. Whittemore during the 41st Congress, 1870, 1 Hinds, Sec. 464. Rep. Whittemore resigned his seat while expulsion proceedings were pending against him for having sold appointments to the military academy. In a special election during the same session of Congress held to fill the vacancy he was reelected, but the House by resolution refused to seat him. In support of the resolution it was stated that since the House would have had the right to expel Rep. Whittemore for his crime committed during the session of Congress, that it certainly had the right to exclude him upon re-election after his resignation.

Mr. BROOMFIELD changed his vote from "yea" to "nay."

Mr. O'HARA of Michigan changed his vote from "yea" to "nay."

The result of the vote was as above recorded.

Mr. BURTON of California. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BURTON of California. In view of the fact that this resolution, among other things, states that the Member from New York is ineligible to serve in the other body, and therefore clearly beyond our power to so vote; and in addition to that fact it anticipates election results in the 18th District of New York, a matter upon which we cannot judge at this time, I raise the point of order that the resolution is an improper one for the House to consider, and that it clearly exceeds our authority.

The SPEAKER. The Chair will observe to the gentleman that if the point of order would be in order it would have been at a previous stage in the proceedings, and the gentleman's point of order comes too late.

Mr. BURTON of California. May I make a parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. BURTON of California. Am I not correct in my statement that under the resolution on which we are about to vote, the only clear meaning of it would preclude the gentleman from New York from serving in the other body.

The SPEAKER. The Chair would state that that is not a parliamentary inquiry. The Chair cannot pass upon that question.

Mr. GOODELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GOODELL. Mr. Speaker, if the Curtis amendment which is now pending is defeated, then is it in order to move the previous question on the committee resolution?

The SPEAKER. If the amendment is defeated, the original resolution will be before the House for a vote.

Mr. GOODELL. For an immediate vote?

The SPEAKER. Yes, for an immediate vote.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. If the amendment of the gentleman from Missouri prevails as a substitute for the committee resolution, then there will be an opportunity for a further vote, however?

The SPEAKER. Then the question will occur on the adoption of the resolution, as amended.

The question is on the amendment offered by the gentleman from Missouri [Mr. CURTIS].

Mr. CELLER. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 248, nays 176, not voting 8, as follows:

[Roll No. 24]

YEAS—248

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashmore
Aspinall
Ayres
Baring
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Blackburn
Blanton
Bolton
Bray
Brinkley
Brock
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Cabell
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Collier
Colmer
Corbett
Cowger
Cramer
Cunningham
Curtis
Davis, Ga.
de la Garza
Denney
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Fino
Fisher
Flood
Flynt
Fountain
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Gibbons
Goodling
Gross
Gubser
Gude
Gurney
Hagan
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanna
Hansen, Idaho
Hardy
Harrison
Harsha
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Herlong
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kazen
Kee
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McClure
McCulloch
McDade
McDonald, Mich.
McMillan
Machen
Mahon
Martin
Mathias, Md.
May
Mayne
Meeds
Miller, Ohio
Mills
Minshall
Mize
Montgomery
Morgan
Morris, N. Mex.
Myers
Natcher
Nelsen
Nichols
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Pettis
Pickle
Poage
Poff
Pollock
Pool
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Pa.
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roudebush
Roush
Satterfield
Saylor
Schadeberg
Scherle
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Okla.
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Tuck
Tunney
Utt
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Williams, Miss.
Williams, Pa.
Willis
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Younger
Zion
Zwach

NAYS—176

Adams
Addabbo
Albert
Anderson, Ill.
Annunzio
Arends
Ashley
Barrett
Bates
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Celler
Clawson, Del
Cleveland
Cohelan
Conable
Conte
Conyers
Corman
Culver
Daddario
Daniels
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Diggs
Dingell
Donohue
Dow
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Farbstein
Feighan
Findley
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Giaimo
Gilbert
Gonzalez
Goodell
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Halleck
Hanley
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Helstoski
Hicks
Holifield
Holland
Howard
Irwin
Jacobs
Joelson
Karsten
Kastenmeier
Keith
Kelly
Kirwan
Kluczynski
Kupferman
Laird
McCarthy
McClory
McEwen
McFall
MacGregor
Madden
Mailliard
Marsh
Mathias, Calif.
Matsunaga
Meskill
Michel
Miller, Calif.
Minish
Mink
Monagan
Moore
Moorhead
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patten
Perkins
Philbin
Pike
Pirnie
Price, Ill.
Railsback
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Riegel
Robison
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ruppe
Ryan
Sandman
St Germain
St. Onge
Scheuer
Schneebeli
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Wis.
Sullivan
Taft
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Vanik
Whalen
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Yates
Zablocki

NOT VOTING—8

Bow
Cahill
Dawson
Edwards, La.
Friedel
King, Calif.
Macdonald, Mass.
Morse, Mass.

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Edwards of Louisiana with Mr. Bow.

Mr. Macdonald of Massachusetts with Mr. Morse of Massachusetts.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the adoption of the resolution as amended.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 307, nays 116, not voting 9, as follows:

[Roll No. 25]

YEAS—307

Abbitt
Abernethy
Adair
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Bolton
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Corbett
Cowger
Cramer
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
de la Garza
Denney
Derwinski
Devine
Dickinson
Dingell
Dole
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch

Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Findley
Fino
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Gibbons
Goodell
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gude
Gurney
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hardy
Harrison
Harsha
Harvey
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Herlong
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McMillan
MacGregor
Machen
Mahon
Mailliard
Martin
Mathias, Calif.
Mathias, Md.
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minshall
Mize
Montgomery
Moore
Morgan
Morris, N. Mex.
Morton
Mosher
Myers
Natcher
Nelsen
Nichols
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Pettis
Pickle
Pirnie
Poage
Poff
Pollock
Pool
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roudebush
Roush
Rumsfeld
Ruppe
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Tunney
Ullman
Utt
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Williams, Miss.
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Younger
Zablocki
Zion
Zwach

NAYS—116

Adams
Addabbo
Annunzio
Ashley
Barrett
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Carey
Celler
Cohelan
Conte
Conyers
Corman
Culver
Daddario
Daniels
Delaney
Dellenback
Dent
Diggs
Donohue
Dow
Dulski
Eckhardt
Edwards, Calif.
Evans, Colo.
Farbstein
Feighan
Foley
Ford, William D.
Fraser
Gallagher
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Griffiths
Hansen, Wash.
Hathaway
Hawkins
Helstoski
Hicks
Holifield
Holland
Howard
Irwin
Jacobs
Joelson
Karsten
Kastenmeier
Kelly
Kirwan
Kupferman
McCarthy
McEwen
McFall
Madden
Marsh
Matsunaga
Miller, Calif.
Minish
Mink
Monagan
Moorhead
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patten
Perkins
Philbin
Pike
Price, Ill.
Rees
Reid, N.Y.
Resnick
Reuss
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ryan
Sandman
St. Onge
Scheuer
Smith, Iowa
Smith, N.Y.
Sullivan
Taft
Teague, Calif.
Tenzer
Thompson, N.J.
Udall
Vanik
Wiggins
Wolff
Yates

NOT VOTING—9

Baring
Bow
Cahill
Dawson
Edwards, La.
Friedel
King, Calif.
Macdonald, Mass.
Morse, Mass.

So the resolution, as amended, was agreed to.

The Clerk announced the following pairs:

Mr. Edwards of Louisiana with Mr. Bow.

Mr. Macdonald of Massachusetts with Mr. Morse of Massachusetts.

Mr. TEAGUE of California and Mr. CONTE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

Mr. CURTIS. Mr. Speaker, I move the previous question on the adoption of the preamble.

Mr. BURTON of California. Mr. Speaker, a point of order.

The SPEAKER. The gentleman from California will state his point of order.

Mr. BURTON of California. The gentleman from Missouri is urging a motion that duplicates an action already taken by the House. The House already has had a motion to close debate on the preamble and on the resolution as amended.

We have already had that vote. I make the point of order that the gentleman's request and/or motion is out of order. I think the record of the proceedings of the House will indicate that the point being advocated reflects accurately the proceedings as they have transpired.

The SPEAKER. The Chair will state that the previous question was ordered on the amendment and the resolution but not on the preamble.

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

Mr. BURTON of California. Mr. Speaker——

The SPEAKER. Just one minute. The Chair will protect the rights of all Members. The gentleman from California.

Mr. BURTON of California. Yes, Mr. Speaker. As I understand the reading of the minutes, I would imagine they would reflect that the House had already voted on the motion to close debate on the preamble as well as the resolution as amended. If the minutes so reflect, my inquiry of the Speaker is this, then: Am I not correct that the request of the gentleman from Missouri would be out of order without further approval of this body in some form?

The SPEAKER. The Chair has already answered that and advised the gentleman from California that the previous question heretofore ordered was on the amendment and the resolution but not on the preamble itself. The gentleman from Missouri is making a motion to apply the previous question to the preamble and the question is on that motion.

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state it.

Mr. STRATTON. Mr. Speaker, would I be in order to move that we strike out the word "inhabitancy" from the third or fourth line of the preamble?

The SPEAKER. If the previous question is ordered, that motion would not be in order.

Mr. STRATTON. Mr. Speaker, I was seeking recognition on the parliamentary inquiry since I desired to move we amend the preamble by striking out the word "inhabitancy" on line 4 of page 1 of the preamble.

The SPEAKER. The Chair will state that the motion for the previous question takes precedence over a motion to amend.

Mr. STRATTON. Mr. Speaker, in what way, then, would one who opposed a finding that ADAM CLAYTON POWELL was an inhabitant of the State of New York register his views under this circumstance? I was seeking recognition to find the proper parliamentary point at which to make that motion.

The SPEAKER. That is a matter which is within the control of the House. If the previous question is ordered, then the motion of the gentleman or any other motion on the preamble would not be in order. The Chair cannot enlighten the gentleman from New York any further.

Mr. STRATTON. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STRATTON. If I desire to register my view and if other Members desire to register their views that it is inconsistent for the word "inhabitancy" to remain in this preamble, would it be in order for us to vote against the previous question?

The SPEAKER. If the previous question is voted down, then someone who opposed it would be recognized by the Chair.

The question is on the ordering of the previous question.

Mr. BURTON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. BURTON of California. Mr. Speaker, I would like to raise the point of order that a quorum is not present.

The SPEAKER. Does the gentleman from California wish to make that point of order now or wait until after the Chair puts the question?

Mr. BURTON of California. After the Chair puts the question, Mr. Speaker.

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

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

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

The SPEAKER. The gentleman from California [Mr. BURTON] objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present and evidently a quorum is not present. The rollcall is automatic.

Those in favor of ordering the previous question will when their names are called vote "aye," those opposed will vote "no."

The question was taken; and there were—yeas 310, nays 9, not voting 113, as follows:

[Roll No. 26]

YEAS—310

Abbitt	Flynt	Machen
Adams	Foley	Madden
Addabbo	Ford, Gerald R.	Mahon
Albert	Ford, William D.	Marsh
Annunzio	Fountain	Mathias, Calif.
Arends	Fraser	Mathias, Md.
Ashbrook	Fulton, Tenn.	Matsunaga
Ashley	Fuqua	Mayne
Aspinall	Galifianakis	Meeds
Bates	Gallagher	Michel
Battin	Gathings	Miller, Calif.
Belcher	Giaimo	Miller, Ohio
Bell	Gibbons	Minish
Bennett	Gilbert	Mink
Betts	Gonzalez	Montgomery
Bevill	Goodell	Moore
Bingham	Goodling	Moorhead
Blackburn	Gray	Morgan
Blanton	Green, Pa.	Morris, N. Mex.
Blatnik	Griffiths	Morton
Boggs	Gross	Moss
Boland	Grover	Multer
Brademas	Gubser	Myers
Brinkley	Gude	Natcher
Brock	Hagan	Nedzi
Brooks	Haley	Nelsen
Brotzman	Hall	Nichols
Brown, Ohio	Halpern	Nix
Burke, Fla.	Hamilton	O'Hara, Ill.
Burleson	Hammer-schmidt	O'Konski
Burton, Calif.	Hanna	Olsen
Burton, Utah	Hansen, Idaho	O'Neal, Ga.
Bush	Hansen, Wash.	O'Neill, Mass.
Button	Hardy	Ottinger
Byrne, Pa.	Harvey	Passman
Byrnes, Wis.	Hathaway	Patman
Cabell	Hays	Patten
Carey	Heckler, Mass.	Pepper
Casey	Helstoski	Perkins
Cederberg	Henderson	Philbin
Celler	Hicks	Pickle
Chamberlain	Holifield	Poage
Clark	Horton	Price, Ill.
Clawson, Del	Hosmer	Price, Tex.
Cleveland	Howard	Pryor
Cohelan	Hungate	Pucinski
Collier	Hunt	Purcell
Colmer	Hutchinson	Quie
Conable	Ichord	Quillen
Conte	Irwin	Railsback
Corbett	Jacobs	Randall
Corman	Jones, Ala.	Rarick
Cowger	Karsten	Reid, N.Y.
Cramer	Kastenmeier	Rhodes, Ariz.
Culver	Kazen	Riegle
Cunningham	Kee	Rivers
Curtis	Keith	Roberts
Daddario	Kelly	Rodino
Davis, Ga.	Kleppe	Rogers, Colo.
Davis, Wis.	Kluczynski	Rogers, Fla.
de la Garza	Kornegay	Rooney, N.Y.
Delaney	Kupferman	Rooney, Pa.
Dellenback	Kuykendall	Rosenthal
Denney	Kyl	Rostenkowski
Dent	Kyros	Roth
Devine	Laird	Roudebush
Diggs	Landrum	Roush
Dole	Langen	Roybal
Donohue	Leggett	Rumsfeld
Dorn	Lennon	Ruppe
Dow	Lipscomb	Ryan
Duncan	Long, La.	St Germain
Eckhardt	Long, Md.	St. Onge
Edmondson	Lukens	Sandman
Edwards, Ala.	McClory	Saylor
Eilberg	McCulloch	Schadeberg
Erlenborn	McDade	Scherle
Esch	McDonald, Mich.	Scheuer
Eshleman	McEwen	Schneebeli
Evans, Colo.	McMillan	Scott
Everett	MacGregor	Selden
Fascell	Mailliard	Shriver
Findley	Martin	Sikes
Fino	May	Sisk
Fisher	Meskill	Slack
Smith, Calif.	Mills	Whitten
Smith, Iowa	Mize	Widnall
Smith, Okla.	Monagan	Wiggins
Snyder	Morse, Mass.	Williams, Miss.
Stafford	Mosher	Williams, Pa.
Staggers	Murphy, Ill.	Wilson, Bob
Stanton	Murphy, Mich.	Wilson, Charles H.
Steed	Nelsen	Winn
Steiger, Ariz.	Pelly	Wolff
Steiger, Wis.	Pettis	Wright
Stephens	Pirnie	Wyatt
Stubblefield	Poff	Wylie
Stuckey	Pool	Wyman
Sullivan	Rees	Yates
Taft	Reid, Ill.	Young
Talcott	Reifel	Younger
Taylor	Reinecke	Zablocki
Teague, Calif.	Resnick	Zion
Tenzer	Reuss	Zwach
Thompson, Ga.	Rhodes, Pa.	
Thompson, N.J.	Robison	
Thomson, Wis.	Ronan	
Tuck	Satterfield	
Tunney	Schweiker	
Udall	Schwengel	
Van Deerlin	Shipley	
Vander Jagt	Skubitz	
Vanik	Smith, N.Y.	
Vigorito	Springer	
Waggonner	Teague, Tex.	
Waldie	Ullman	
Walker	Utt	
Wampler	Willis	
Watkins		
Watson		
Watts		
Whalen		
Whalley		
White		
Whitener		

NAYS—9

Burke, Mass.	Minshall	Pollock
Dingell	Murphy, N.Y.	Stratton
Hechler, W. Va.	Pike	Wydler

NOT VOTING—113

Abernethy	Edwards, Calif.	Macdonald, Mass.
Adair	Edwards, La.	Mailliard
Anderson, Ill.	Evins, Tenn.	Martin
Anderson, Tenn.	Fallon	May
Andrews, Ala.	Farbstein	Meskill
Andrews, N. Dak.	Feighan	Mills
Ashmore	Flood	Mize
Ayres	Frelinghuysen	Monagan
Baring	Friedel	Morse, Mass.
Barrett	Fulton, Pa.	Mosher
Berry	Gardner	Murphy, Ill.
Biester	Garmatz	O'Hara, Mich.
Bolling	Gettys	Pelly
Bolton	Green, Oreg.	Pettis
Bow	Gurney	Pirnie
Brasco	Halleck	Poff
Bray	Hanley	Pool
Broomfield	Harrison	Rees
Brown, Calif.	Harsha	Reid, Ill.
Brown, Mich.	Hawkins	Reifel
Broyhill, N.C.	Hébert	Reinecke
Broyhill, Va.	Herlong	Resnick
Buchanan	Holland	Reuss
Cahill	Hull	Rhodes, Pa.
Carter	Jarman	Robison
Clancy	Joelson	Ronan
Clausen, Don H.	Johnson, Calif.	Satterfield
Conyers	Johnson, Pa.	Schweiker
Daniels	Jones, Mo.	Schwengel
Dawson	Jones, N.C.	Shipley
Derwinski	Karth	Skubitz
Dickinson	King, Calif.	Smith, N.Y.
Dowdy	King, N.Y.	Springer
Downing	Kirwan	Teague, Tex.
Dulski	Latta	Ullman
Dwyer	Lloyd	Utt
	McCarthy	Willis
	McClure	
	McFall	

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. CORMAN. Mr. Speaker——

The SPEAKER. The question now recurs on agreeing to the preamble.

For what purpose does the gentleman from California rise?

Mr. CORMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CORMAN. Mr. Speaker, do I understand correctly that the yeas and nays on this vote are solely on the preamble?

The SPEAKER. The Chair states in response to the inquiry of the gentleman from California that that would be the question.

The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. CURTIS. Mr. Speaker, I move to reconsider the vote and lay that motion on the table.

The SPEAKER. Does the gentleman from Missouri make his motion on the resolution, as amended, and the preamble?

Mr. CURTIS. That is right, Mr. Speaker, the resolution, as amended, and the preamble.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. CURTIS].

The motion was agreed to.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution as amended which just passed.

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

There was no objection.

ECONOMIC AND SOCIAL GAINS UNDER PRESIDENT JOHNSON

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, historically it has been popular to find fault with incumbent administrations. While it is a relatively simple matter to select isolated circumstances and magnify them beyond all reality, we should, from time to time, pause to look at the overall situation in order that our prospective not be distorted.

Brushing aside the flamboyant rhetoric and often irresponsible claims which frequently are the product of partisan feelings rather than studied logic, let us look at the realities, let us look at the progress that has been made.

Since the end of 1963, the Johnson administration has presided over the most remarkable period of economic and social progress in the Nation's history. Here are 20 outstanding achievements:

First. Six million more people are at work, and at higher paying jobs than ever.

Second. The unemployment rate has dropped from 5.7 to 3.7 percent, the number out of work is down by 1¼ million, and the number of long-term unemployed by 565,000.

Third. Industrial production has risen by 25 percent.

Fourth. The gross national product, corrected for price change, is up more than $100 billion or 17 percent—almost as much as during the entire 8 years of the Eisenhower administration.

Fifth. The average American's real income—after taxes and corrected for price changes—has increased by 14 percent—a larger gain than in the prior 8 years.

Sixth. Net income per farm—corrected for the rise in prices farmers pay—has increased by 23 percent.

Seventh. Profits after taxes have risen by 36 percent.

Eighth. Total wages and salaries paid have grown by 29 percent.

Ninth. American families have in-

creased their net financial wealth by $150 billion.

Tenth. Some 4 million Americans have moved above the poverty line.

Eleventh. Federal income and excise taxes have been cut by $20 billion.

Twelvth. Some 3 million older Americans have received hospital care and an estimated 5½ million have received physicians' services under medicare.

Thirteenth. Some 13,500 medical students and more than 18,000 nurses are receiving Federal scholarships or loans.

Fourteenth. The Elementary and Secondary Education Act is helping more than 8 million disadvantaged children in over 17,000 school districts.

Fifteenth. More than 1 million college students are realizing their hopes of higher education through the Federal programs such as the education opportunities grants, the college work-study program, the National Defense Education Act, and federally insured loans.

Sixteenth. Some 1,050 community action agencies have been established to assist poor families.

Seventeenth. An estimated 6 million people have been reached by new antipoverty programs, including this year 737,000 Headstart children; 350,000 youths in the Neighborhood Youth Corps; and 31,000 youths in the Job Corps.

Eighteenth. Eight million more workers are covered by minimum wage and overtime provisions, and the minimum wage has been raised to $1.40 for 32 million previously covered.

Nineteenth. Training has been provided for almost 1 million workers under Federal training programs.

Twentieth. The annual flow of Federal aid to State and local governments has expanded by $5¼ billion.

The advance in the welfare of the average American under President Johnson has never been equaled. This is true whether we look at the gains made in the private economy in response to wise overall economic policies; or the direct economic and social benefits to individuals from new Federal programs.

This has truly been the era of America's greatest progress. And during this period of enormous economic progress, growth, and opportunity the United States has had greater price stability than any other industrial country in the free world.

Somebody must be doing something right in this country.

IMPROVING CRIMINAL LAW ENFORCEMENT IN THE DISTRICT OF COLUMBIA

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, I would like to take a moment to indicate my support for the proposals to improve criminal law enforcement in the District of Columbia. All of us in Congress are daily exposed to the problems within the District and are fully aware of the urgent need to reverse the increasing trend of criminality and the need to turn this city into a model for all of our citizens and all the nations of the world to follow and admire.

Crime is not a simple problem. It is deep rooted in certain elements of our society. The proposals of the President are a fine step in our battle against the evils of lawlessness. We cannot hesitate now or overly long delay consideration of these matters. Each Member of this Congress should carefully weigh and study the proposals, analyze their value and then promptly move forward so that we may strike out against the problem of crime in the District of Columbia.

I am certain that after a close scrutiny of these proposals we will all recognize their inherent merit.

There is one particular aspect of this program which I would like to speak about and that is the segment of the proposal which suggests that witness fees be increased to more adequately compensate individuals in our community who come forward to testify at trial. Every citizen has a duty to aid in the prosecution of criminal defendants when they have evidence that is relevant to such prosecution. However, we must recognize that these good citizens often come forth to testify at tremendous personal sacrifice. They lose time from their jobs, are absent from their homes and may even in extreme cases be subject to harassment by the criminal element in the city. Therefore, a bill which proposes to increase the fees to be paid to such witnesses should be endorsed. I recognize that the amount is modest but it represents a substantial increase over the existing fee schedule and I urge enactment of this proposal together with the rest of the District of Columbia crime program as it is designed to make the District of Columbia a better and a safer place in which to live.

NEW ATTORNEY GENERAL

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, President Johnson is to be commended for his wisdom in naming Ramsey Clark to be our new Attorney General.

Mr. Clark, at 39, already has demonstrated his ability and dedication as a public servant. He has acquired invaluable experience within the Justice Department, first, as Assistant Attorney General, then, as Deputy Attorney General, and finally, as Acting Attorney General, in which post he is serving at the present time.

Mr. Clark is the son of Supreme Court Justice Tom Clark, and is himself a distinguished attorney. He was born in Dallas Tex., received his B.A. degree from the University of Texas, and his M.A. and juris doctor degrees from the University of Chicago. He has served as the national president of the Federal Bar Association, and was engaged in the private practice of law before joining the Justice Department.

Ramsey Clark's background and experience make him the ideal choice for the responsible position of Attorney General of the United States. It is my pleasure, therefore, to insert in the CONGRESSIONAL RECORD an editorial which appeared in the March 1 Washington Post heartily endorsing Mr. Clark for this position:

NEW ATTORNEY GENERAL

President Johnson followed the logical course in naming Ramsey Clark to be Attorney General. In the position of Deputy Attorney General under Nicholas Katzenbach, Mr. Clark proved to be a dedicated public servant and an administrator of substantial ability. Since Mr. Katzenbach's reassignment to the State Department last September, Mr. Clark has presided over the Department of Justice as acting Attorney General with poise and good judgment as well as alertness and energy. President Johnson could scarcely have passed him by in making a permanent appointment without discouraging the kind of public service that he most prizes.

If Mr. Clark had been chosen from private life at the age of 39, questions would have been raised about his experience and knowledge of governmental problems. But having risen to the top within the Department, he is in the position, despite his age, of being the most experienced man for the job. Though quiet by nature and cautious in charting his course, he appears to have a keen sense of right and wrong and ample courage to act on his convictions.

This community has special reason to be grateful to Mr. Clark for his wise advice to the President to veto the District crime bill passed by Congress last year. In a delicate position because of his uncertain status and because of the mounting volume of crime in Washington, he held fast to constitutional principles and a sociologically sound approach to the problem. Since he is known to be a liberal with his feet on the ground, we surmise that this incident may well provide an index to the kind of service he will render as Attorney General.

The President has done well to promote a highly promising public servant, and we think the response of the country as well as that of the Senate will be enthusiastic.

OCCUPATIONAL HEALTH

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I am extremely pleased that the President in his education and health message has called for an expanded and strengthened national program in occupational health. The time has come to do something about the effects of a working man's job on his health. This problem has been neglected too long.

Today, our Government supports medical and health services for many groups of American citizens—mothers and children, oldsters, people with heart disease, strokes, cancer, and mental problems, and the poor and the unemployed. Yet we have not paid sufficient attention to the health of the largest

group of our citizens—the workers who keep our Nation strong, productive, and free. The proposed legislation is a major step toward alleviating this problem.

The health hazards faced by our 80 million workers are very real and very serious. They range from vexing skin diseases to deadly lung cancer. One of every 10 soft-coal miners in Appalachia has a disabling chest disease caused by his work. Four million others in the manufacturing, construction, and automotive repair industries work under conditions either immediately dangerous to their health or hazardous enough to require continual inspection. Millions of workers hold jobs where the high level noise is potentially damaging to their hearing.

These problems do more than adversely affect the worker, although that in itself is enough to merit our attention. They also affect the health and strength of our Nation. In areas of our Nation machinists, whose skills are crucial to our defense effort, are in short supply—their factories on double shifts. If they miss work, production suffers. Similarly, reports of occupational diseases occurring in one plant or industry are not widely available to prevent their recurrence in other areas. Nor is there any effective mechanism for testing the burgeoning avalanche of new products and processes. We need to protect our workers and to take needed precautions before health hazards occur.

Because the health hazards facing our workers are varied and complicated, solutions are not easily found. I think the President's proposals, if effectively carried out, can have a substantial impact on this problem.

THE SUPPLEMENTAL MILITARY APPROPRIATION BILL

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. WOLFF. Mr. Speaker, the upcoming supplemental military appropriation bill will be regarded by some as a referendum on the U.S. policy in Vietnam. No single vote, however, can possibly delineate the measure of congressional or public endorsement on a problem so intricate or vexing as that which confronts us in Vietnam. I, for one, cannot support the course of escalation in which we are now engaged.

There is reason to believe that both sides want talks. There was an opportunity for some probing for these talks about 3 weeks ago. The truce provided an opportunity for peace talks to begin. The North Vietnamese Foreign Minister had said that only after unconditional end to the bombings of North Vietnam could there be talks. This represents what is thought to be a considerable shift in the position of the North Vietnamese. They do not now insist upon their "four points" which includes the evacuation of all American troops.

Second, the military importance of the bombing of North Vietnam is questionable. It is not something that we need to do to sustain the military effort or maintain our military strength in South Vietnam. For Secretary of Defense McNamara has said:

> I don't believe that bombing up to the present has significantly reduced, nor any bombing that I could contemplate in the future would significantly reduce the actual flow of men and material to the south.

If Secretary McNamara is right and if the Vietnamese Foreign Minister is sincere, our policy with respect to bombing ought to be clear. If cessation of bombing of North Vietnam cannot significantly affect our military position, and if it would be construed by the North Vietnamese as a step toward peace, it is a course of action which we should attempt. That is why I telegraphed the President, at the time of the truce, expressing my deep disappointment at the resumption of the bombings as a destructive force against negotiations.

We, as the most powerful nation on the face of the globe, can afford to make a first gesture of peace and the first concession without it being taken as a sign of weakness. We will be able to deduce the intentions of the North Vietnamese by whatever follows. If they are persistent in exploiting the cessation of the bombing for their own military advantage we will know, once and for all, their intent. The burden of what follows will fall heavily upon them and will remove all doubt as to who is responsible for the continuance of the conflict. I believe we can take this initiative toward peace. And I believe we ought to take it now.

Mr. Speaker, when those peace talks begin, it is clear that the so-called National Liberation Front must be a participant in the negotiations, because they are a participant in the present conflict. Evidence is mounting that the National Liberation Front is independent of the government of Hanoi, and will not necessarily be bound by decisions reached in a negotiation in which they did not participate. Even if they were not independent of Hanoi, they could assert at any future date that such a conference is not binding on them if they are not represented there.

I think, Mr. Speaker, that regardless of when the negotiations begin, we must take our cue from the people of Vietnam. We must accept the decisions of the electorate of that country. The recently elected constituent assembly is an expression of the will of the people of South Vietnam, and is now drafting a Constitution designed to represent all the people and to preserve their rights and freedoms. I think we should do everything possible to indicate our support for these efforts. If we should do so, we indicate our objectives clearly: that we are not there to subjugate a people but that we are there to insure their right of self-determination.

GREAT PLAINS PARKWAY BILL

Mr. MIZE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MIZE. Mr. Speaker, a bill calling for the establishment of a Great Plains Parkway is being introduced in Congress today by my Kansas colleagues and me.

Sponsored by both U.S. Senators from Kansas, Senator FRANK CARLSON and Senator JAMES PEARSON, and all five Members of the House of Representatives from Kansas—Representative ROBERT DOLE, of the First District; myself from the Second District; Representative LARRY WINN, of the Third District; Representative GARNER SHRIVER, of the Fourth District; and Representative JOE SKUBITZ, of the Fifth District—the measure seeks the eventual establishment of a parkway and scenic roads through the heartland of our Nation, beginning in Oklahoma and traversing the States of Kansas, Nebraska, South Dakota, and North Dakota to its northern terminus in Montana.

In this region some of the most colorful and important history of our Nation was written. The proposed parkway would connect a multitude of historical, scenic and educational attractions. In linking these nationally significant features together by parkways and scenic roads, untold numbers of Americans would be invited to become acquainted with the great frontier heritage of the region as well as its many contributions to the welfare of the Nation today.

All Members of the Kansas delegation are familiar with the singular beauty of the region—the rolling hills, the bluestem pastures, the cool streams and pleasant valleys, and the historic spots along the way. We would like to have people from other States become acquainted with these features because we feel that one of the most appealing aspects of the whole parkway is the great prairie, the remaining vestiges of which are in Kansas.

The proposed route through Kansas runs from Sedan, near the Oklahoma line in southern Kansas, northward through the heart of the Flint Hills to historic Council Grove, up the Blue Valley by Tuttle Creek, and ending at the Hollenberg Pony Express station near Hanover. The route is replete with history. It includes the Independence crossing on the famous Oregon Trail and Alcove Springs near Blue Rapids and Marysville, a spot of beauty which was once a famous camping spot on the Oregon Trail. The parkway would cross the Sante Fe Trail at Council Grove, the home of the Council Oak, the Custer Elm, and the Post Office Oak. At Cottonwood Falls stands the oldest Kansas courthouse. The route also includes scenes of ranching and agriculture in their productive contributions to the Nation's well-being and its economy.

The Kansas delegation in introducing the Great Plains Parkway hopes to elicit the support of the delegations in other States.

The feeling of the delegation is that subsequent studies by appropriate agencies will suggest areas of Federal responsibility, State responsibility, and joint

cooperation in some areas. Studies already carried on in Kansas point in that direction.

The members of the Kansas delegation do not anticipate hearings or other congressional action in this first session of the 90th Congress. The introduction at this time is designed to stimulate interest from other States and hopefully to bring about feasibility studies and other research on the proposal by appropriate Federal agencies. Should the proposal in whole or in part appear feasible it would then be the intention of the delegation to request hearings and seek action at the second session of the 90th Congress.

HENRY R. LUCE

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial.

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

There was no objection.

Mr. REID of New York. Mr. Speaker, with the sudden death yesterday of Harry Luce, editor and publisher of Time-Life-Fortune, America has lost one of its ablest and most creative newspapermen.

He brought a new approach to magazine journalism, and a new dimension to magazine news reporting. More than this, for many years he stood strongly for internationalism and for a responsive and responsible U.S. foreign policy. In the days of McCarthy he vigorously opposed the Senator and those rightwing elements of that era that clearly deserved to be revealed to the American people.

Throughout Harry Luce strongly supported the need for civil rights legislation.

Mr. Speaker, I join, I am sure, with all Members of the House of Representatives in expressing our deep sympathy to Clare Boothe Luce and to members of the family in our deep expression of respect for Harry Luce and particularly for those things for which he stood and which will live on.

Mr. Speaker, at this point I include an editorial:

[From the New York Times, Mar. 1, 1967]

HENRY R. LUCE

Henry R. Luce created an entirely new approach in magazine journalism and indirectly influenced the techniques of presenting the news in daily newspapers. He built a large, complex, highly successful publishing enterprise. For personal force, ambition, intelligence, calculated daring and sustained executive skill, he ranked among the most successful of contemporary American businessmen.

Critics have questioned whether Time magazine, for all its wit and technical inventiveness, has been a force for raising standards of responsibility in the writing and editing of news. The moral ambiguities of group journalism as practiced by Time are as unresolved today as they were 44 years ago when Mr. Luce and the late Briton Hadden published its first issue. Objectivity is a myth, Henry Luce argued, but what he saw as a news magazine presenting facts in a lively fashion and in their proper context, many others saw as thinly disguised journal of opinion.

There has been much less dispute about his other magazines. They are all eminently successful and Fortune, for example, has become an outstanding publication in its field.

Henry Luce was a missionary's son who believed that the United States has a unique moral mission. His adversaries accused him of misguided zeal in trying to mount unlimited crusades in the inherently limited spheres of politics and diplomacy. But if his effect on Asian policy over the past generation was often unfortunate, he was a powerful influence for internationalism over isolationism in the critical years leading up to American involvement in World War II. His magazines moved courageously against the late Senator Joseph R. McCarthy when that demagogue was at his peak, and they have consistently worked in behalf of Negro equality.

A shy, reticent man in public, Mr. Luce sought power not for himself but for his controversial ideas. But he will be best remembered for the pioneering and provocative journalistic enterprises he created to advance those ideas.

NEED FOR ACCURATE WEATHER FORECASTING

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, I would like to call the attention of the House to a weather problem.

While it is true that everyone talks about the weather but no one does anything about it, this need not be true of the Weather Bureau and weather forecasting.

The people of my congressional district of northeast Missouri, as well as those in southeast Iowa and northwestern Illinois, have been systematically deprived of the advantages of accurate weather forecasting. As weather forecasting techniques become more modern, scientific, and accurate, the inhabitants of the areas I have mentioned find themselves able to learn with speed and accuracy the immediate weather forecasts for Bombay and Bermuda, but they are forced to rely on the Farmer's Almanac to determine what their own weather will be. This is true because of the elimination of weather stations—in particular, those at Keokuk and Burlington, Iowa, which ably served this tri-State area for many years.

Reestablishment of the Burlington, Iowa, weather station in the immediate future is urgently needed, and the problem is well delineated in the attached editorial which appeared Wednesday, February 15, 1967, in the Quincy Herald-Whig, which I insert at this point in the RECORD:

BETTER FORECASTS NEEDED

Sometimes we blush for the weather. We don't mean the showers, the cheek-stinging cold winds, or even the snowflakes falling from a partly sunny sky. We mean the forecasts we print—to us the "weather."

You read them, and you hear and see them on radio and television. Next morning they come reasonably true, and you don't give them another thought.

Or, next morning, it's 40 when 15 was forecast, or it's the start of a blizzard that was supposed to be a chance of rain and colder.

So you wonder or growl, and we blush.

The weather itself we can't do anything about—even if we fill the skies with storm-tracking satellites. But the forecasts—today more important than ever because weather can snarl traffic as never before, shut down factories and schools more dependent than ever on transportation, or break levees to flood rich farm lands—they're something else.

Weather-wise, Quincy lies in northeast Missouri and southeast Iowa. Weatherwise Quincyans look to the west—when they sniff the wind for a meteorological change.

So, as weather-detecting methods improve, as the weather bureau claims an ever higher percentage of accuracy and becomes so bold as to state the precipitation percentage possibilities, as we move toward a day of total world observation and analysis, there is something that can be done about the so vital forecasts.

That is: Re-establish a weather station for the large area now dependent on St. Louis and Des Moines for its forecasts.

In the words of the Burlington (Ia.) Hawk-Eye, printed elsewhere on this page:

"Bring back the weather bureau!"

Located as we are, jutting into northeastern Missouri, so that weather forecast for western Illinois has passed us before we've heard about it, we need the pinpointing attention that we formerly enjoyed from the Burlington weather station. We need it for safety for those threatened by storm or flood, for its value to industry and business, for personal convenience, for general satisfaction—and to reduce the number of blushes.

Retrenchment eliminated the Burlington weather bureau at the end of 1964 after a 23-year stand there that followed 70 years of operation at Keokuk.

Burlington, with its eye on the sources of our weather, issued twice-daily forecasts that swept out a wide area of southeastern Iowa, northeastern Missouri, and western Illinois, giving timely words of warning or promises of good things to come. Old friend C. F. Jespersen, the meteorologist in charge, not only had a 23-year record of accuracy hard to equal, but in this land of river floods he had a perceptive and wary eye on the Iowa and north Missouri streams that can swell the Mississippi to levee-breaking proportions. At the end of a telephone line to Burlington, he might have been sitting in the Herald-Whig news room putting the pieces together to give us the best possible forecasts—that is, the most timely and accurate for the area.

Burlington and its southeast Iowa neighbors find themselves unhappy with forecast service from distant Des Moines, just as Quincy, heir to northeast Missouri's weather, finds surprises in forecasts that lump us with all of eastern and southern Missouri or with western Illinois, most of which is east of us. It's not just that we're on the border; there's a broad weather lane west of us that needs a special watch.

Fliers and others who have to be constantly alert to weather changes, as well as the ordinary citizen, will testify to this. They know this part of the Mississippi valley can generate sudden and erratic switches in the weather that seem independent of the major systems dominating the national picture.

Re-establishment of the weather bureau at Burlington—or at any point in the area involved—would recognize the ever-greater importance of adequate forecast service and the need of a growing agricultural and industrial land to be restored to the weather map.

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

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

Mr. FINDLEY. I congratulate the

gentleman on his statement and commend him for his support of this measure. The Quincy-Herald Whig has pinpointed the nature of this problem. Our colleague from Iowa [Mr. SCHWENGEL], should likewise be commended for his efforts to restore the weather bureau station at Burlington, Iowa.

Mr. HUNGATE. I thank the gentleman.

Mr. Speaker, I yield back the remainder of my time.

MRS. CAROLYN FOREMAN, AUTHOR AND HISTORIAN

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, last month one of the greatest, finest ladies ever to live in my State passed away. She was Mrs. Carolyn Foreman, of Muskogee, Okla., who died at her home at age 93. She not only lived a long life; she lived a full life, useful, and productive. She was an outstanding human being and a great author and historian.

Mrs. Foreman was the widow of the late Grant Foreman who was unquestionably Oklahoma's most illustrious historian. The story of the life of Grant and Carolyn Foreman is one of the most beautiful chapters in the history of American scholarship. It was a beautiful chapter in the human story, as beautiful as the fabled tales of "Camelot."

The story of the Foremans is probably unique in our Nation's history. They met and married in what is now Oklahoma when it was still Indian territory. Grant Foreman came to Oklahoma at the turn of the century with the Dawes Commission to study Indian affairs. Mrs. Foreman came with her father, the late Honorable Judge John Robert Thomas, and settled in Muskogee where she lived until the day of her death. Mrs. Foreman was born in Illinois and educated in Washington, D.C., and Monticello College, Godfrey, Ill., and in Europe.

Judge Thomas, Mrs. Foreman's father and a Union veteran of the Civil War, served four terms in this House from Illinois. He died in my hometown of McAlester, Okla., in 1914.

Grant Foreman preceded his wife in death, having departed this life in 1953. He was an elderly man at the time.

After his work with the Dawes Commission Mr. Foreman began the practice of law in Muskogee. He was successful both professionally and financially. He was able to retire at a relatively early age and spent the rest of his life along with Mrs. Foreman in studying the background of Oklahoma history. They knew and loved the Indians of Oklahoma and told their story probably better than it has ever been told. Scholars for a thousand years will be indebted to the Foremans for their research, observations, and chronicles.

The Foremans, more than anyone I ever knew, were scholars in the pure sense. They had no ax to grind. They were completely free and independent. Their only interest was in digging up and writing the history of Oklahoma and of its Indian tribes.

Their devotion to Oklahoma history was only superseded by their devotion to each other. They lived the good life of love and work.

I regard it as one of the most fortunate facts of my life that I have been able to know the Foremans for many years. When I received my Phi Beta Kappa key at the University of Oklahoma, Grant Foreman was made an honorary member of the same chapter. Although I had known them through their works, I had never before met them in the flesh. I am happy that I got to know them well as time went by. I have been in their home scores of times. I never went through Muskogee without paying them a visit. My conversations with them always did something for me. They were among the noblest of mankind.

The last time I visited Mrs. Foreman she was becoming feeble, but she had the strength to tell me that she and Grant had lived a wonderful life, and she had the kindness to tell me that they had appreciated my friendship over the years.

I love my State and its glorious history. For many years one of my hobbies has been the collection of history books on Oklahoma. The Foreman collection heads the list. Among Mrs. Foreman's writings which I am proud to own are "Park Hill," "Crossed Timbers," "Oklahoma Imprints," "Indian Women Chiefs," "Indians Abroad," and "North Fork Town." I love them all. I have read them all.

I have lost a friend whom I adored. Oklahoma has lost the second member of the greatest historical team in the annals of our State. Mrs. Foreman died without children or close relatives but she left her writings and she left a host of friends unnumbered.

THE FINANCIAL CONDITION OF THE CIVIL SERVICE RETIREMENT FUND

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Speaker, last week during debate on H.R. 2, the Reserve bill of rights, some concern was expressed here on the House floor as to what effect title II of the bill would have on the civil service retirement fund. Title II, by making National Guard technicians Federal employees, brings them under the civil service retirement program and grants them credit for all previous technician service, credit for which they are not required to pay. As with any other Federal employees, upon retirement their final annuities would be reduced by 10 percent of any amount of money that they would owe for past service.

In commenting on the general condition of the retirement fund, the gentleman from North Carolina [Mr. JONAS] stated:

> I think this question of the solvency of the civil service retirement fund deserves immediate and careful consideration by the administration, the Civil Service Commission, and the appropriate committee of Congress.

I could not agree more with the gentleman. In fact, as chairman of the Subcommittee on Retirement, Insurance, and Health Benefits of the Post Office and Civil Service Committee, I can assure all the Members of the House that the financial condition of the civil service retirement fund has been and will continue to be a matter of extreme interest and importance to my committee. We are prepared to face this problem directly and realistically during this Congress and I have already announced that my subcommittee, at the earliest opportunity, will undertake extensive studies and investigations with a view to finding the proper solution.

I am confident the gentleman from North Carolina, a ranking member of the Appropriations Committee, will agree with me that there are no obvious or simple solutions even though there is a rather simple reason for the existence of the problem. The $45 billion deficit in the civil service retirement fund exists quite simply because the Congress, over the years, through the appropriation process, has failed to appropriate its share of the required contributions. This is true even though the Civil Service Commission each year must submit estimates of the appropriations necessary to finance the fund on a normal cost plus interest basis. It was not until July 1957 that each agency was required by law to contribute directly to the fund amounts equal to the deductions of its employees, thus supporting the yearly normal cost of the retirement system.

Over the years the deficiency in the fund has grown for a number of reasons—liberalization of benefits, the inclusion of additional employees with no requirement for payment to cover past service, annuity increases for those already retired payable from the fund, and pay increases for active employees. Simply by our failure each year to meet the accruing interest at 3½ percent of the present deficiency, we automatically increase the total deficiency by over $1½ billion.

Recognizing the problem that exists is easy, but finding solutions that will be in the best interests of the Government, the employees, and the taxpayers will not be so easy. There are very serious disagreements that continue unresolved among knowledgeable people on this subject, both over the extent to which the individual should share his retirement costs, and over the best approach to financing. Any methods we may find to resolve these problems will most surely have a tremendous impact on the administrative budget of the Government, as well as on the sense of security of hundreds of thousands of persons who depend on their civil service retirement benefits for economic security in their old age.

We have very real and almost solemn commitments in this whole area that we

are deeply obliged to honor. I am confident that I and the members of my committee will be joined by every Member of the House in a common effort to protect the rights and welfare of this Government's employees and their families.

THE HONORABLE JAMES H. "JIMMY" QUILLEN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. TAFT] is recognized for 60 minutes.

Mr. TAFT. Mr. Speaker, I have taken this special order today to honor one of our outstanding colleagues, the Honorable JAMES H. (JIMMY) QUILLEN, and to give recognition to his many achievements, including the support he earned in his reelection to this House last November. When the votes were counted, he had achieved an amazing 87 percent of the total. This topped all Republicans who were opposed and exceeded the 72 percent figure with which he led Republican candidates in 1964.

It took no computer to predict the outcome, but even JIM QUILLEN must have been surprised by the total in his 1966 race. As one who has been elected and defeated by computer predictions, perhaps more often than anyone in this House, I claim a special privilege to speak. It took about 12 hours to determine the outcome in the First District of Ohio. It cannot have taken more than 12 seconds in the First District of Tennessee.

But for those of us who live dangerously at the polls, there is surely a lesson in JIMMY's record, for he came to this House in 1962 after a primary victory of 78 votes and election by less than 55 percent. The change since is no accident. It reflects hard work, and fine representation for his constituents regardless of party. It shows a recognition of his fine efforts on the Public Works and Rules Committees while he has been here in Washington. It also testifies to the close personal association that has developed with thousands of voters in the First District by JAMES QUILLEN and his lovely wife, Cecile. I have had the honor and pleasure of witnessing this myself.

His "open door" and his thousands of personal interviews reflect his strong belief that the people should be a vital part of our legislative process and that the Representative should be a part of his district. These are the truths that none of us here should forget.

Our distinguished colleague from Tennessee has set a mark and an example for us to follow. We thank him and congratulate him for it. May he long continue his valuable service among us and the attainment of even greater records of success will be his.

Mr. Speaker, I would like to include in the body of the RECORD the following statement by the Honorable HOWARD H. BAKER, Jr., Senator from Tennessee:

STATEMENT OF SENATOR HOWARD H. BAKER, JR., OF TENNESSEE

It is indeed a pleasure for me to join with my colleagues in paying tribute to this great American, this great Tennessean and great Republican, the honorable JIMMY QUILLEN.

We are honoring Congressman QUILLEN because he has for the second straight time received a higher percentage of the votes of the people of his district than any other Congressman in the United States.

This is indeed a singular honor, both for him and for his State and his district. In 1964, Congressman QUILLEN won reelection by 72 percent of the votes and in 1966 he received 87 percent of the votes.

But the significant fact here is not the percentage of the votes but what this represents.

In winning reelection in 1964 by such a large majority and substantially increasing this majority in being elected 2 years later, JIMMY QUILLEN has demonstrated that he has, in his 4 years in Congress, truly interpreted the desires, ambitions and needs of his people.

JIMMY QUILLEN has shown that he is perfectly attuned to the feeling and currents of opinion of virtually all of his people.

JIMMY QUILLEN keeps this close relationship with the people of his district by making himself constantly available to them both here and in his Tennessee field office where he maintains a staff as large as his Washington staff.

Hardly a week passes that the Congressman does not go back to his district to move among his people and sit with them personally to discuss how he can best represent them here in Washington.

This is what our representative system is all about. I fully believe this is what the framers of the Constitution had in mind when they designed the system.

JIMMY QUILLEN knows this and he has learned to transform the theory into practice. This is why 87 percent of the people of his district cast their votes of confidence in him come election day.

Last fall, I had the privilege to join with Congressman QUILLEN in an exhaustive campaign sweep through the heartland of his district. Nowhere in all of our campaigning across the State did we see such enthusiasm and spirit as we did that last Saturday before the election.

There seemed to be hardly anyone in those thousands who thronged about us at every stop that JIMMY QUILLEN did not know on a first name basis. More than that he knew the particular problems of each and was able to report to them as we moved about what he was doing for them and they knew from his past record that when he says he will do something for a constituent he means it.

So you see, any attempt for us here to eulogize this great American will fall far short of the tribute given to him where it counts, by the votes of 87 percent of the people of the First District of Tennessee.

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

Mr. TAFT. I am happy to yield to the gentleman from Virginia [Mr. WAMPLER].

Mr. WAMPLER. I thank the gentleman for yielding.

Mr. Speaker, it is a distinct privilege today to pay honor to a great American and a great neighbor, the Honorable JAMES H. QUILLEN, of Tennessee. His concern for his people and the Nation has led him to a position of respect in Congress and won for him the highest of tributes from a grateful citizenry back home.

Those of us in southwest Virginia feel a special kinship to JIMMY QUILLEN. He was born in the rolling hills of Scott County, in my own Ninth District of Virginia. There and in nearby Kingsport, Tenn., he was instilled with those principles which have become the guiding influence of his life.

Mr. QUILLEN is unexcelled in his service to the people of the First District. I know of no other man who spends as much time working for his constituents, or who maintains such an effective system of keeping in touch with the people who are, after all, the final voice of this great Government of ours.

Through his series of open door meetings, JIMMY QUILLEN has brought government as close to the people as humanly possible. They know they have an interest in the events of the day and, through Mr. QUILLEN, they know they have an effective voice in the Nation's Capitol.

It is this attitude which has led JIMMY QUILLEN to a position of esteem in Washington and of strength back home. I consider it a high honor to be able to pay my respects today.

Mr. TAFT. I thank the gentleman.

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

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

Mr. KUPFERMAN. Mr. Speaker, I want to commend the gentleman for taking this opportunity to recognize the good qualities of the gentleman, our colleague from Tennessee.

In view of the subject under consideration by the House today, it gives me even greater pleasure to second the remarks that you have so far made.

I also think it ought to be recognized in view of this great Republican function that we are going to later this evening that there are enough of us here who feel so strongly about the gentleman from Tennessee that we wanted to remain here even at this late hour on the floor of the House to listen to the splendid remarks the gentleman has just made.

Mr. TAFT. I thank the gentleman from New York.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I take this occasion to pay a warm and sincere tribute to my distinguished and respected colleague, Mr. JAMES H. QUILLEN.

The most apparent and outstanding tribute to Mr. QUILLEN and his tremendous ability to communicate with his constituents is his phenomenal endorsement at the ballot box. Mr. QUILLEN increased his impressive 72-percent vote percentage of 1964 to the truly tremendous figure of 87 percent of the vote in 1966. This fantastic ability to draw such a clearly decisive vote must command the highest respect and commendation.

Mr. QUILLEN was first elected to the 88th Congress in 1962, as the first man from his home county of Sullivan to represent the district in Congress since 1843. In 1962 he defeated his Democratic opponent with less than 55 percent of the vote cast. He substantially increased his plurality in the next two general elections.

Prior to running for Congress, Mr. QUILLEN served 8 years as a Republican member of the Tennessee House of Representatives, serving as minority leader, and was twice nominated for the speakership of the House. In the first pri-

mary election race in 1962, there were five Republicans in the primary—one of the hardest fought races in the history of the district. In 1964 and 1966 he had no opposition for reelection.

During the off-election years, Mr. QUILLEN initiated an "open door" policy by visiting each of the 14 counties in his district. He set up an office in the courthouse and asked the people to come in with their problems. This was one of the most popular moves he made, and some 10,000 people came in for personal interviews during the district tour the first time and over 12,000 came in 1965.

Mr. QUILLEN is the undisputed leader of all Republican congressional candidates for two successive elections. This accomplishment clearly speaks for itself, but I want to add my congratulations for his amazing record and very best wishes for much continued success.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased to join with my colleagues on this side of the aisle in congratulating the gentleman from Tennessee, Mr. QUILLEN, on his achievement in leading all Republican congressional candidates in vote getting for the second consecutive time the 1966 elections.

His constantly accelerating pluralities in the First District of Tennessee indicates the conscientiousness with which Mr. QUILLEN has handled his assignment here in the Congress. I congratulate the gentleman on this outstanding achievement and wish him many more years of success in the House of Representatives.

Mr. GOODELL. Mr. Speaker, I welcome the opportunity to associate myself with the remarks of my colleagues in noting the magnificent job being done by the gentleman from Tennessee.

JIMMY QUILLEN has set a remarkable record in winning votes, a task all of us can appreciate.

It is noteworthy that his constituency must appreciate him—not so much for the results of the vote count, but for the very solid reasons behind it. JIMMY QUILLEN has distinguished himself and his office by the way that he continues to serve the people of his district.

He has never failed to go to them and give them the opportunity to be heard.

He has never failed to bring back to us their ideas and their views.

He serves a high role here in this Chamber and it is a pleasure to join in commending him for it.

Mr. GERALD R. FORD. Mr. Speaker, today my colleagues and I join in saluting a fine gentleman, an outstanding American, the top Republican vote-getter in the House.

Representative JAMES H. (JIMMY) QUILLEN of Tennessee's First Congressional District is a champion in many ways—not only in vote-getting ability. He is intelligent, hard-working, honest, honorable, and humble.

He came from modest beginnings, this "mountain man" who was born into a tenant farm family of 10. But JIMMY possessed the strength, independence and fierce pride in accomplishment that distinguished the people of the mountain district he represents in Congress. He has demonstrated those qualities dramatically since he was first elected to the House in 1962 with less than 55 percent of the total vote.

It is true that JIMMY's congressional district is a traditionally Republican area which has only once sent a Democrat to Congress—and then for only one term. But the fact that JIMMY increased his percentage of the total vote to 72 percent in 1964 and then to the truly amazing figure of 87 percent in 1966 reflects far more than traditional Republicanism.

To me JIMMY QUILLEN is a symbol of political truth which is beginning to spread throughout our great States of the South. That truth is that it is the Republican Party of today which practices the philosophy espoused so eloquently by one of our greatest Presidents—Thomas Jefferson. It is the Republican Party which follows rather than gives lipservice to the Jeffersonian teaching that government must be the servant of the people, that an all-powerful central government is destructive of personal liberty and that strong State and local government is vital to the well-being of our American democratic system.

Many voters who normally vote for the Democratic ticket contributed to the overwhelming victory achieved by JIMMY QUILLEN last November. Like the Republicans who support JIMMY QUILLEN, the Democrats in his district voted for him because he gives them great service, actively seeks their advice, and tirelessly works to solve the problems of his area at the same time that he fulfills admirably the other duties thrust upon him by high national office.

All of those who cast their votes for JIMMY QUILLEN in the last election did so, too, because they find their thinking agrees with the basic Republican philosophy which advocates the revitalizing of our State and local governments as opposed to further intrusions into the lives of all Americans by an all-pervasive Federal Government.

We congratulate JIMMY QUILLEN on his tremendous victory. We salute him as a great Republican standard bearer in the new South. And we congratulate the people of the First District of Tennessee for recognizing and rewarding JIMMY QUILLEN's diligence and outstanding abilities.

Mr. BOB WILSON. Mr. Speaker, as chairman of the Republican Congressional Committee, I am pleased to take part in JIMMY QUILLEN day. I have followed JIMMY's political career closely since August 13, 1962, when he first got his party's nomination to represent Tennessee's First District in Congress. And he won by a substantial margin that year, I might note.

During his first term in Congress, he gave notice that he was going to be a vigorous representative of his district. Without question, he was. In 1964, he led GOP congressional winners with 72 percent of the vote. He has had a rapid rise in congressional responsibility and in the esteem of his colleagues in the House. He was appointed to the Rules Committee during his second term, an honor that falls to few Members of Congress.

Last fall, the voters of the First District expressed their high regard for his services by giving him 87.1 percent of the vote. An impressive record, this was the highest percentage run up by a winning Republican congressional candidate. It is deserved. Congressman QUILLEN has stoutly resisted the inroads of what is called "Potomac fever." He has kept in mind constantly that, in addition to considering the Nation's laws, he is here to serve the people of his district. He has, in short, helped his country, the people of his district, and his party. We are proud of him.

One of the tasks of our Congressional Campaign Committee is to urge capable men to run for Congress. The congressional career of JIMMY QUILLEN can well serve as an example of the benefits to the Nation and to the people of a congressional district that accrue from having men of his caliber make the race for Congress.

I am pleased to join my Republican colleagues in the House in honoring an outstanding Congressman and a great guy. On this, JIMMY QUILLEN day in the House, may I wish him many more happy election returns.

Mr. JONAS. Mr. Speaker, it is a genuine pleasure to join my colleagues today in paying tribute to JIMMY QUILLEN for the tremendous victory he rolled up in Tennessee's First District last November. Victories such as he rolled up do not just happen. I know this from personal experience. To win big as JIMMY did requires several things. First and foremost, of course, is an able candidate who enjoys the confidence and respect of the people. In addition to being able and respected, the candidate must be willing to work, not only on the stump during campaigns but throughout the year attending to his duties in Washington and keeping in touch with his constituents. And of almost equal importance is the necessity of being able to put together a smooth functioning organization at the grassroots. And, of course, it always helps to have favorable issues, and they were all on our side in that last campaign.

I have always felt very close to the people of JIMMY's district, because for many years the district I had the honor of representing joined Tennessee's First District along the North Carolina-Tennessee line and along the top of Roan Mountain. There is a community of interest between his people and those I used to call mine just across the border from him.

These people are rugged individualists and exceedingly independent in their thinking. It matters not to them how other sections of the country vote; they vote their convictions regardless of how the political winds are blowing across the Nation. They are hardy, industrious, frugal, and do not like to take dictation. They believe in making their own decisions and like to stand on their own two feet. I was always proud of the opportunity of representing the mountain people who live across the line in North Carolina from JIMMY's district in Tennessee. I knew he is equally proud to represent those who live on the Tennessee side of the border, and am quite sure they are very proud of their Repre-

sentative or they would not continue to send him back to Congress with such overwhelming majorities.

Congratulations, JIMMY, on leading the way last November. Keep up the good work; continue to set the pace; and present the rest of us a goal on which we can fix our eyes in the hope of sometime being able to match your accomplishments. While few if any of us will ever reach that objective, it is helpful to know that it is possible because you have shown us the way.

Mr. BROYHILL of North Carolina. Mr. Speaker, I am very pleased, indeed, to join with others here today in honoring JIMMY QUILLEN. The comments being made certainly are a testimonial to the high esteem with which our friend is so universally held by the Members of the House.

It has been a great privilege to serve with our friend from Tennessee. His dedication to the people of the First District is surely in the finest tradition of American public service. What he is doing is well understood by the people of his area and they have demonstrated their feelings by the vote of confidence they have given him.

We are proud that JIMMY QUILLEN has served in the 88th, 89th, and 90th Congresses and that every 2 years he has returned with vastly greater support. In 1966, he polled 87 percent of the vote in the congressional race. This is such an overwhelming vote of confidence that it deserves special honors and recognition. It may stand as the nearest record we will see to the unanimous endorsement of a public official at the ballot box.

My own congressional district in North Carolina lies immediately to the east of the First Congressional District of Tennessee and I know well the people and the beautiful area of this country that JIMMY QUILLEN represents so ably here. I can say from my own observation and knowledge that the support he has received at the polls is a token of the respect and affection that can be found in every community. His "open door" policy during which he conducts office hours in each of his 13 counties is only one of the reasons JIMMY has won the hearts of the people of the First District. In him they see a man who sincerely believes that a Congressman should bring his activities to the people, make his services available to them at a local level, seek out their views in face-to-face contacts, and strive diligently to represent those views as issues great and small arise in Washington.

In JIMMY QUILLEN, they see a man of ability and integrity who is moved by compassion for his fellow men and an earnest desire to serve them unselfishly. It is that rare combination of attributes that we see in JIMMY QUILLEN. As the years pass, all of us here can benefit by his example, his wisdom, and the warmth of his friendship. May he continue his good works and enjoy the respect that he has so fully earned.

Mr. HANSEN of Idaho. Mr. Speaker, I would like to add my voice to those paying tribute today to the gentleman from Tennessee [Mr. QUILLEN] on the tremendously smashing victory he achieved last November. I know the confidence Mr. QUILLEN's constituents have placed in him is a source of great pride and satisfaction to him.

Mr. Speaker, last November I won my bid for reelection by a margin of 71 percent—which I thought was very good. But, compared with Mr. QUILLEN's great victory, I now feel as left out of things as Whistler's father.

I congratulate Mr. QUILLEN on his victory and wish him years of continued representation of those he serves so well in the U.S. House of Representatives.

Mr. LATTA. Mr. Speaker, it is an honor and a distinct pleasure for me to join in the special order today in paying tribute to our esteemed and distinguished colleague from the First District of Tennessee, Congressman QUILLEN, who has earned a reputation for outstanding leadership. I congratulate JIMMY QUILLEN on receiving the highest vote percentage of any opposed Republican in the last two general elections. He increased his 72 percent vote percentage of 1964, to the extraordinary figure of 87 percent of the vote in 1966—an outstanding accomplishment and evidence of the confidence and appreciation of this able legislator and his dedicated service to the people he represents.

As further testimony of his legislative talents and abilities in the House of Representatives, he was selected in 1965 to serve on what is perhaps the most distinguished committee in the House—the Committee on Rules. It has been indeed an honor and a privilege for me to serve with my worthy colleague on this important committee and I have been very impressed with his exceptional abilities. Since he was first elected to serve in this great body in 1962, he has proved to be a most valuable Member. He is a credit to his district, his State, and to our Nation. I congratulate him and look forward to many more years of working with him in the Congress.

Mr. ARENDS. Mr. Speaker, 2 years ago I was privileged to stand here in the well of the House to extend my personal congratulations to our colleague JIMMY QUILLEN, upon his being reelected to his second term from the First District of Tennessee by more than 72 percent of the total vote cast. That, to me, was a great achievement, particularly when you consider that he had served only one term and it represented a 17-percent increase in the 55-percent margin by which he was first elected.

Now here he is back again for another term with a still larger margin at 87 percent of the vote. It is almost unbelievable, knowing as we so well do the vicissitudes of politics to which all of us, whatever the nature of our congressional district, are subject from year to year and from election to election. One might be disposed to think that his huge margin of victory as a first termer was due largely to the type of campaign he conducted or certain unique political factors at the time. That there is considerably more to it than that is attested by the fact his majority after 4 years' service is even greater than after 2 years' service.

There is only one explanation for JIMMY QUILLEN proving himself to be the Nation's top votegetter. It is the man himself. He is a man who commands confidence. We who have served with him, and the people who sent him here to speak for them, appreciate JIMMY QUILLEN as a man of high principle, courage, and determination. He is a stalwart in the fullest sense of the word. He says what he means and he means what he says. This accounts for his being assigned by us Republicans to the vitally important Rules Committee. It also accounts for the huge majority by which his people returned him to Congress.

It was my privilege to be invited to speak in JIMMY QUILLEN's district. One need only be there a few minutes and he is impressed with the affection and respect the people of Tennessee hold for our colleague.

In extending my congratulations to JIMMY QUILLEN today I should like also to extend congratulations to the people of his district who so overwhelmingly select him to be their spokesman in the councils of Government.

Mr. SCHWENGEL. Mr. Speaker, I am happy to join with my colleagues today in paying tribute to Congressman JIM QUILLEN. He has an enviable votegetting record. By capturing 72 percent of the votes in his congressional district in 1964 and an even more impressive 87 percent of the vote in 1966, he has established a record that will be hard to beat.

I was privileged to serve with JIM QUILLEN on the Public Works Committee in the 88th Congress. He established himself there as a hardworking legislator. He made many valuable contributions to the committee's work. Now as a member of the Rules Committee he is continuing to serve with distinction in the Congress.

No doubt JIMMY QUILLEN's remarkable success at the polls is due in no small measure to his attention to his constituents. He follows a procedure I have used for 12 years, that of going to a county courthouse and opening the door to any constituent who wishes to talk to his Congressman. His expert use of the questionnaire and his meticulous attention to the problems of his constituents also have endeared him to the residents of the First Congressional District.

Congressman QUILLEN certainly deserves the admiration and respect of his constituents and of his colleagues in the Congress.

I want to wish him the best in the years that lie ahead.

Mr. WYMAN. Mr. Speaker, it is a real pleasure for me to add some words of praise for our distinguished colleague [JIMMY QUILLEN], not only for his outstanding vote-getting ability, but also for his capable service in representing the people of the First District of Tennessee.

JIMMY's accomplishments in gaining and keeping the confidence of his constituents are well known to us all. He came to Congress in 1963 after having survived a bitter party split in the primary election, winning in November by a modest margin of something less than 55 percent of the vote. During the next 2 years he did everything a man could

do to heal the wounds at home while at the same time establishing himself as an exceptionally able Congressman here in Washington.

The result—JIMMY's folks back home showed their approval of his efforts by sending him back for a second term with 72 percent of the vote. At the same time, many incumbent Congressmen were defeated for reelection. Then, last fall, his constituents voted to keep him here for another 2 years—this time with 87 percent of the vote cast. This was the highest majority given to any Republican Member of the House.

The people of east Tennessee are indeed fortunate to have as their Representative, my friend, colleague, and fellow 88th club member, the Honorable JAMES H. "JIMMY" QUILLEN, and we are equally fortunate to have him as a Member of the 90th Congress.

Mr. GUDE. Mr. Speaker, I wish to join my colleagues today in honoring JIMMY QUILLEN and can only wish that I may emulate his record of rapport and confidence with the citizens of his district as demonstrated by his most recent endorsement by 87 percent of the votes of the First District of Tennessee. Certainly his performance should serve as a goal for all Republicans.

Mr. CRAMER. Mr. Speaker, it is with great pleasure that I join in saluting JAMES QUILLEN, the Republican Party's top 1966 vote getter. Although we congratulate JIM in the House today for his extraordinary vote-getting ability, our kudos are only second best to the tribute paid him at the polls by his constituents in 1964 and again in 1966—perhaps the highest tribute that anyone in political life can receive.

It is a political fact of life that no one can be reelected by such wide margins unless he has obviously and sincerely given the best of himself. Certainly JIM QUILLEN's election achievements are a direct reflection of the outstanding and exemplary service he has given his district. Clearly, his knowledge and ability, his genuine interest and effort in behalf of his district, his understanding of their needs and problems have earned the respect and admiration of both his constituents and his colleagues in the House. Having worked with him when he was a member of the Public Works Committee during his freshman year in Congress, I can testify to his capabilities.

The Republican Party is proud of its outstanding votegetter. I compliment the voters of Tennessee's First District for their astuteness in returning this highly qualified man to the Congress.

Mr. LANGEN. Mr. Speaker, I consider it a distinct honor to associate myself with the remarks of the distinguished gentleman from Ohio [Mr. TAFT] and other colleagues in congratulating the gentleman from Tennessee [Mr. QUILLEN] for his outstanding achievements here in the Congress and in serving his constituency with such dedication and effectiveness that he has been returned to Congress with the phenomenal plurality of 87 percent of the vote cast. This accomplishment occurred in the face of stiff opposition in the general election last fall. JIM QUILLEN's latest accomplishment is even more remarkable when you consider that he won by 72 percent 2 years ago and by only 55 percent of the vote in 1962.

Winning a seat in Congress against stiff opposition is always an accomplishment, but the real test comes in the races to retain that seat. JIM QUILLEN has come through in both instances with flying colors. There are good reasons for this impressive record. First of all, JIM has served his constituents well in Congress. His proficiency was rewarded in 1965 when he was chosen to fill a vacancy on the prestigious Rules Committee. He has served in that position with distinction.

The other apparent reason for JIM's success at the polls is his genuine concern for the people he represents and his constant efforts to keep in touch with them on a personal basis. It is no secret that he deliberately visits every town and community in his 13 counties at every opportunity. Over 12,000 of his constituents accepted his "open door" invitation in the off-election year of 1965 and visited him in offices set up across his district following the adjournment of Congress. JIMMY QUILLEN knows his people, and his people know JIMMY QUILLEN.

It is refreshing to know someone who really understands the meaning of "representative" and who has been generously rewarded by those he represents.

Mrs. DWYER. Mr. Speaker, it is a special pleasure to join with our colleagues today in paying tribute to the distinguished gentleman from Tennessee's First Congressional District [Mr. QUILLEN]. JIMMY QUILLEN's remarkable accomplishment in winning reelection last November with 87 percent of the vote merits our recognition, both as a personal achievement of the highest order and as a notable reflection of the significance of maintaining close contact with the people a Member represents.

In the correct perspective, Mr. Speaker, our colleague's victory takes on even greater luster. It was not a matter of luck or the default of the other party. It represented hard work, unfailing attention to detail, and the determination to know his district and represent it well. In 1962, when he first ran for Congress, JIMMY QUILLEN triumphed in one of his State's hardest fought primaries, defeating four opponents in spite of the handicap that no one from his own Sullivan County had represented the district in Congress since 1843. In the equally difficult general election, he won by less than 55 percent.

Once in the House, however, JIMMY QUILLEN proceeded to demonstrate that his constituents had made no mistake. Combining conscientious work on legislation, attention to the needs of his district, and personal contact with constituents, he was reelected in 1964—in the face of a national sweep by the opposition—with 72 percent of the vote. With reelection, he won the title of our party's top votegetter.

With his 87 percent sweep of 1966, JIMMY QUILLEN might be expected to rest on his laurels—a double winner of the title. But those of us who know him, who have watched him always making that extra effort, are confident he will never rest. For this is the secret of his success, his unending determination to do his very best—for his people, his party, and his own self-respect.

JIMMY QUILLEN sets a high standard for his colleagues. It is a privilege to serve with him, and it is good to know that men of his stature and character will be here for a good long time.

Mr. STEIGER of Arizona. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Ohio as well as all my other colleagues in congratulating the gentleman from Tennessee [Mr. QUILLEN] for being the top votegetter of all Republicans in the congressional elections of 1966.

Mr. Speaker, in a year of resounding success for the Republican Party, the gentleman from Tennessee best typified that success by rolling up the truly tremendous figure of 87 percent of the vote. This not only reflects his own ability as a campaigner but also shows the good judgment of the people of Tennessee.

I wish to publicly offer him my congratulations and best wishes.

Mr. ANDERSON of Illinois. Mr. Speaker, it is a pleasure for me to join in this special order today honoring my distinguished colleague from Tennessee [JIMMY QUILLEN], upon his tremendous victory at the polls last November. The fact that his constituents have seen fit to return him since his first election to Congress with ever increasing majorities which have now reached the astounding percentage of 87 percent is an indication of the high esteem in which he is held by those he represents. I should like to add by these few words how his colleagues here in the House regard him. Serving as I do with him on the Committee on Rules I have had the opportunity almost daily over the past several years to observe his work as a Representative. I can attest not only to his diligence and faithfulness in attending the sessions of the Committee on Rules, but also his mastery and grasp of the details of the great variety of bills that come before this committee. No man could exhibit such an understanding of the work of his committee unless he were willing to devote a great deal of time outside of regular office hours to a study of the many complex matters that confront us.

In conclusion, I am proud to be his colleague, and grateful for the opportunity to call upon him for assistance and advice in resolving some of the questions that confront us almost daily in the pursuit of our legislative duties. He is a credit to the Committee on Rules, to the House of Representatives and to the people of his home district in Tennessee.

Mr. LAIRD. Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Ohio and all my colleagues in congratulating the gentleman from Tennessee [Mr. QUILLEN] for his outstanding achievement in the 1966 congressional elections.

In beating his own record as the top votegetter among all opposed Republicans, JIM QUILLEN deserves the praise and admiration of all his colleagues in this House. His 87 percent majority is an even more impressive tribute than the 72 percent he obtained in 1964 and should serve as an inspiration to all who

are in politics or who would enter the political arena.

Mr. Speaker, I am particularly pleased to be able once again to rise on the floor of this House to take note of JIM QUILLEN's singular achievement. It demonstrates not only his own very impressive vote-getting ability but the wisdom and support of his constituents and their confidence in his abilities. JIM is a great legislator and his friends in Tennessee have shown they know it.

Mr. Speaker, I wish personally and publicly to offer my congratulations to the gentleman from Tennessee and extend my sincere best wishes for continued success in the years ahead.

Mr. DUNCAN. Mr. Speaker, today is indeed a wonderful day for Republicans in Tennessee. They too share in the great pride we are expressing in the record of our honorable colleague, JAMES H. (JIMMY) QUILLEN, here in this Chamber.

JIMMY is my neighbor, representing the First Congressional District of Tennessee. I have watched his votes come in bigger margins, bigger victories, ever since his first rather stormy race for a seat in the U.S. House of Representatives three terms ago. At that time five hard-working Republicans put in their bids for the Republican nomination. JIMMY, of course, led the race and fought hard to reconcile Republicans for a November victory against his Democratic opponent. Since then he has scored a larger percentage of votes in each succeeding election, in fact, topping the list of Republican candidates throughout the country each time.

Truly, JIMMY's record is remarkable, and it is only fitting that we pay tribute to him.

It is with honor and pleasure that I serve with JIMMY QUILLEN for he is always cooperative and attentive to ideas and suggestions of others. If any one thing can be singled out as his best attribute or way of succeeding, it would be hard work. He is always ready to help constituents and colleagues.

To both my colleague JIMMY QUILLEN and his lovely wife Cecile, I express sincere friendship and the hope that we can serve together for many years to come.

Mr. HARVEY. Mr. Speaker, it gives me great pleasure to join with many of my colleagues in extending heartiest congratulations to Congressman JIM QUILLEN, who once again is the leading Republican votegetter of the November election.

It certainly is a much deserved tribute from the constituents of his district for the fine manner in which he has represented them in the past and an expression of confidence from them that he will continue to do so in the future.

Since his election to Congress in 1962, JIM has served his district, his State, and our Nation with great distinction. The residents of Tennessee's First District can indeed be proud of the able representation he is giving to them.

I offer my most sincere congratulations to JIM on this tremendous accomplishment.

Mrs. BOLTON. Mr. Speaker, I am delighted to join with my colleagues in honoring the gentleman from Tennessee, the Honorable JAMES H. QUILLEN, for his achievement in being the outstanding votegetter of the Republican Party for two successive terms. Mr. QUILLEN led all Republican candidates in 1964 with a 72-percent majority. In the 1966 election, he exceeded this accomplishment by rolling up a majority of 87 percent. It is obvious that JAMES QUILLEN's constituents in the First Congressional District of Tennessee recognize in him what we all know here: that he is a man firm on principles in which he believes, courageous in his convictions, and determined in his desire to serve his district, State, and our country.

The Congress of the United States is fortunate in having the services of JAMES QUILLEN, as are the people of the First District of Tennessee, who can look with pride and satisfaction to their Representative in this great body.

My sincere congratulations to the top votegetter, and many, many more of the same in the years ahead.

Mr. McCLORY. Mr. Speaker, I am happy to participate in this tribute to my esteemed colleague, JIM QUILLEN, Republican Member of this body since 1962 and the first man from his county to represent his district since 1843.

We are familiar with his astounding abilities as a votegetter; obtaining 87 percent of the vote cast in his district in 1966. More remarkable, of course, is that this was achieved in what was so recently referred to as "the solid South."

His service to his constituency has been evidenced by his defense of Wilford Metcalf, the Cocke County farmer who was resisting the efforts of the Federal Government to confiscate his land on behalf of an unjust claim of the Government. Due to the work of Congressman QUILLEN, the charge that Mr. Metcalf had cut timber growing on U.S. Government property was dropped and Mr. Metcalf vindicated.

Mr. Speaker, JIM QUILLEN has served his district and party by introducing an amendment to the Federal-Aid Highway Act to guarantee that future sections of the Federal Interstate Highway System will be constructed so as to adequately accommodate traffic for at least 20 years from the date of completion.

He exemplifies the highest type of elected official and the Republican Party is privileged to claim him for its own.

Mr. Speaker, it is encouraging to know that JIM QUILLEN's special talents and qualifications have been recognized by his constituency in their overwhelming vote of confidence.

Mr. FINDLEY. Mr. Speaker, it is a genuine pleasure for me to join with my colleagues in honoring JIMMY QUILLEN of Tennessee. In both the 1964 and the 1966 elections JIMMY won reelection to the House by the highest percentage of any Republican who had an opponent, but these tremendous victories did not just happen. It took hard work and attention to legislative responsibilities to win that type of commanding support from his constitutents. Hard work has always been an important part of JIMMY's political career. As the Republican leader in the State house of representatives it took hard work to make a small Republican minority an effective bloc in the legislature. As a member of the Rules Committee, JIMMY had distinguished himself by his knowledge of the provisions of the bills coming before his committee for clearance to the floor.

As representative of the "hill country" of Tennessee JIMMY continues in the fine tradition of such great men as B. Carroll Reece and Thomas A. R. Nelson.

Mr. WATSON. Mr. Speaker, I welcome this opportunity to honor my colleague, the Honorable JIMMY QUILLEN of Tennessee, for his outstanding ability as a true representative of his people—a fact which was substantiated last November when he polled 87 percent of the vote in his successful bid for reelection to the 90th Congress.

When describing the man and his contributions to this body, there simply are not enough superlatives at my immediate disposal. Like the title of a recent Broadway success, JIMMY QUILLEN is indeed a "Man For All Seasons." His effective and enviable record as a legislator since first coming to Congress in 1962 mark him as a bright gem on the Republican horizon.

It really comes as no great surprise to me that JIMMY QUILLEN is able to pile up such an overwhelming plurality. Like all the people in his home of eastern Tennessee, he believes that the only way to success and happiness comes through hard work and devotion to duty. The people of the First District of Tennessee take their politics seriously, and they know a good man when they see him. Their great vote of confidence is a clear indication of their feelings toward him.

I feel very privileged to add my name to the distinguished list of my colleagues paying tribute to JIMMY QUILLEN today. I am very confident that he will continue to merit the esteem and respect of both his constituents and this body in the years ahead.

Mr. QUIE. Mr. Speaker, it is an honor and a pleasure to join with my colleagues in paying tribute to the notable accomplishments of Representative JAMES H. QUILLEN of the First District in Tennessee.

JIMMY, as he is affectionately known on both sides of the aisle, was the most powerful votegetter among Republicans elected to the House in the 1966 elections. He captured a remarkable 87 percent of the vote in his district. In my view, that merely reflects what a remarkable Congressman JIMMY is.

Since being elected to the House in 1962, he has established an enviable record in Congress. Not only has he been a most able Congressman, but he has worked successfully to weld Republicans in his district into a potent organization. He won by the narrow margin of 55 percent in 1962. The marked increase of his margin since that first victory is proof of his ability to work with the party in his district. JIMMY established himself as a highly successful mender.

It is just this kind of "mending" ability the Republicans across the Nation must use if we are to win the Presidency and capture the House and Senate in 1968, which I firmly believe can be accomplished.

We should pay close attention to the

advice of such men as JIMMY QUILLEN. They have clearly demonstrated that it is better to pull together and save our ammunition for the opposition.

Mr. ANDREWS of North Dakota. Mr. Speaker, approximately 2 years ago, it was my privilege to join my colleagues in honoring the Honorable JAMES QUILLEN, of Tennessee, for his superior votegetting ability. In the previous election, he had polled more than 72 percent of the total vote cast in the First District of Tennessee and was the top Republican votegetter in the Nation.

We congratulated JIMMY QUILLEN and we also paid tribute to his constituents who demonstrated their wisdom by electing him with such an overwhelming majority.

We have now learned that he has once again led all Republican congressional candidates, this time with 87 percent of the vote cast in his district. Thus, it is apparent that the tremendous vote of confidence he received in 1964 was no accident. The people of his district recognize his tireless efforts, his intelligence, and unswerving integrity.

The U.S. Congress is fortunate in having the services of JIMMY QUILLEN and so are the people of the First District of Tennessee who can look with pride and satisfaction to their Representative in the Congress.

Mr. RUMSFELD. Mr. Speaker, the First District of Tennessee has overwhelmingly endorsed my fellow 88th Club member, the Honorable JIMMY QUILLEN, for a third term in the Congress. JIMMY led Republican votegetters in 1964 by polling more than 72 percent of the total vote cast—an outstanding achievement indeed. To gain, as he did, 87 percent of the total vote in 1966 is an even greater achievement and endorsement of his fine representation.

JIMMY's popularity in Tennessee and in the Congress is a tribute to hard work, dedication, and service. The problems and interests of his constituency are approached with firmness and candor, and the problems and interests of the Nation are met directly and forthrightly.

I am pleased to join my colleagues in recognition of this outstanding public servant. My sincere congratulations go to him on another spectacular victory. May he have many more.

Mr. KUYKENDALL. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Ohio and all the other gentlemen in Congress regarding my colleague, the gentleman from Tennessee [Mr. QUILLEN], for his outstanding achievements not only in the election of 1966, but to the State of Tennessee. The gentleman from Tennessee tends to play down the "rags to riches" story which led him from a small farm in east Tennessee to the position of the Nation's top Republican votegetter. My east Tennessee colleague has proven an inspiration to all of us in the State by his own example of progress having progressed from a minority winner in a five-way primary to his present outstanding vote-getting record during only 4 years of service to his people. He has shown us all that a Congressman is elected to serve and that through his serving, the people will come to recognize their obligations to him by overwhelming reelections. To those of us across the State who have labored so diligently to build a two-party system, we number the gentleman from the First District among our leaders. I wish him continued success in his own district as I hope for all of us in helping build a strong two-party government.

Mr. DEL CLAWSON. Mr. Speaker, it is a pleasure to join with many other friends in the House in honoring the gentleman from Tennessee, JIM QUILLEN. He continued to amaze and delight us with his phenomenal ability to win and "win big." In a year which saw many minority candidates pile up sizable majorities, his was the outstanding percentage. His impressive 72-percent margin of 1964, we learn was increased in November to 87 percent. This leads to the conclusion that nothing succeeds like success, especially when a man has ability, is not afraid of hard work and can point to an outstanding record of service to his country and the people of his congressional district. JIM QUILLEN's distinction is hard won and he richly deserves the commendation of his colleagues today.

Mr. ROBISON. Mr. Speaker, it is a pleasure to join my colleagues in honoring the gentleman from Tennessee, JAMES H. (JIMMY) QUILLEN. His signal victory in the past election, gathering a phenomenal 87 percent of the vote in his district, is eloquent recognition of his outstanding service to his constituents. I congratulate JIMMY QUILLEN and I salute the discernment of the people of the First District of Tennessee, who have expressed how they feel about JIMMY in clear and unmistakable terms.

Mr. ADAIR. Mr. Speaker, I should like to join my colleagues in paying tribute to JAMES QUILLEN. The fact that he has been elected and reelected by such tremendous margins indicates the respect, affection, and esteem in which he is held by his constituents.

We, his colleagues, from our associations with him know that these sentiments on the part of his electorate are certainly well founded. He is a dedicated, effective legislator, and one that will continue to serve, I hope, for many years.

Mr. CLEVELAND. Mr. Speaker, I am delighted to again join my colleagues in paying respects to the distinguished gentleman from Tennessee [Mr. QUILLEN], on his tremendous victory at the polls.

His resounding vote of confidence from the people of his district can be directly attributed to his concern for those people and his conscientiousness and hard work in the 88th and 89th Congresses. We have served together on the Public Works Committee where I gained first-hand knowledge of his many talents and attributes.

I salute the gentleman and look forward to many more years of working with him in Congress.

Mr. BUSH. Mr. Speaker, I am pleased to join with my colleagues in honoring my party's top percentage votegetter, the Honorable JIMMY QUILLEN of the First District of Tennessee.

Coming from the State of Texas, I have great admiration for Tennesseans because such Texas heros as Sam Houston and Davy Crockett were native Tennesseans who fought for my State's independence. But I do not think either of these Texas-Tennessee legends could have polled 87 percent of the vote in a race for Congress. In Texas, we remember the Alamo—but in Tennessee, they remember JIMMY QUILLEN, and for good reason. This capable, likeable Congressman stands out as a leader in this Congress, just as he stands out as his party's leading percentage votegetter. I commend him and can only add that it is a personal pleasure to serve with him in this Congress. When it is said, "Would you believe 87 percent?" your only answer is I would believe it only with JIMMY QUILLEN.

Mr. ROUDEBUSH. Mr. Speaker, I am pleased to join with the gentleman from Ohio [Mr. TAFT] in paying my respects, and extending congratulations to my good friend JIMMY QUILLEN. Regardless of the party represented or the area from which the congressional seat is sought, I doubt if any other Member of this House could point to a similar degree of support. When one considers that in November of 1964 this man received 72 percent of the vote cast and in November 1966 increased this fantastic majority to 87 percent, well, I guess we must acknowledge that he truly speaks for his people. JIM is a great Member of Congress. He gives the type of representation that all people desire. He is tireless in his dedication to help all that need his help and is an inspiration for all of us to try to do just a little better. I am pleased to have him as a friend and colleague.

Mr. BROWN of Ohio. Mr. Speaker, I have great admiration for a man of JIMMY QUILLEN's character. His personal industry as a young man is testimony to his abilities. Having been associated with the newspaper business for many years, I can appreciate the challenge he faced as a publisher at the age of 20. To publish, write, edit, and sell advertising for a paper is a huge task, a task he was equal to. His election as "Young Man of the Year" by the Johnson City, Tenn., Jaycees is an indicator that he was and is a young man of action. The Jaycee creed has, as one of its points, that "Service to humanity is the best work in life." JIM QUILLEN clearly exemplifies the adherence to that creed, for service is one of my colleague's fortes. I am happy to congratulate him as the top votegetter in the Republican Party.

Mr. DICKINSON. Mr. Speaker, I wish to join my colleagues in paying tribute to JAMES H. (JIMMY) QUILLEN. JIMMY QUILLEN is again the best votegetter of us all. He deserves a turnout like he got as he always works hard to get that turnout.

His rules, I am sure, are simple and few. He knows his district, being raised there, and he served it in the State legislature for 8 years. He had a tight race, both in the primary and in the election of 1962—but he won. He has been winning, not only votes, but the confidence of the people of the First District of Tennessee, ever since.

JIM also has the confidence and re-

spect of his colleagues in this body and for the same reasons: real knowledge of the legislative process, fair dealing, and just plain hard work. He is a close friend of mine, but he is more than that. JIM QUILLEN is proof that dedicated service and ability in the House is recognized and appreciated by the people, and in this case, 87 percent of all the voters.

Mr. HALPERN. Mr. Speaker, for the second successive election, our colleague from Tennessee, the Honorable JAMES H. (JIMMY) QUILLEN, rolled up the highest House Republican vote.

It is a tribute not only to his remarkable ability and energy, but to his successful effort to keep voters of the First District in Tennessee well informed on the problems and nature of our National Government.

I often think of representative government as a two-way street. On the one hand, we bring local and regional viewpoints to bear on national questions; second, it is our obligation to keep the people informed on issues which affect their immediate interests and those of the Nation at large.

Assuredly, our colleague from Tennessee has recognized this responsibility. His success at the polls proves it. Modern-day politics, in most instances, is no longer a closed-door affair handled exclusively by the privileged and powerful of the community. It is a personal relationship cemented between the representative and the governed. JIMMY QUILLEN has personified this democratization of our political processes.

First elected to the 88th Congress, our colleague has steadily enhanced his political fortunes through service to his constituency and constructive work in the Congress. His "open door" policy in his district is well known. A member of the Public Works Committee during his first term, Representative QUILLEN's influence on legislation was marked, particularly in connection with the Federal highway program. He now serves on the influential Committee on Rules.

We Republicans can be justly proud of JIMMY QUILLEN's accomplishments. His superb service reflects admirably on our collective Republican posture in the House. It has been my privilege to serve here with him, and I trust that JIMMY's formidable record will lead to further achievements in the years ahead.

Mr. WHALLEY. Mr. Speaker, it is indeed an honor and a great pleasure to join my colleagues today commending Representative JAMES H. (JIMMY) QUILLEN not only for his overwhelming majority on November 8, 87 percent of the vote, but also for his dedication and service to the First District of Tennessee. It has been a privilege to serve in Congress with Representative QUILLEN since 1962.

He has compiled an enviable record and has won the respect and admiration of his constituents and the Members of this great body.

Being selected to the House Public Works Committee in his first term of office, JIMMY QUILLEN's most noted achievement was an amendment to the Federal-Aid Highway Act to guarantee that future sections of the Federal Interstate Highway System will be constructed to adequately accommodate traffic for at least 20 years from the date of completion. This is an outstanding accomplishment for a freshman in Congress and he deserves a lot of credit.

JAMES H. QUILLEN is truly a credit to our Nation, and Tennessee's First Congressional District is fortunate in having such a capable, hard-working, and dedicated man as their Representative in Washington.

Mr. BROCK. Mr. Speaker, I consider it a great honor to be able to join with my colleagues in paying tribute to a gentleman whose friendship I cherish and whose work as a public servant, first in the Tennessee State Legislature, and now as a Member of this House, entering his third term, has been a model from which we all might learn a great deal.

The people of Tennessee's First District are justly proud of JIMMY QUILLEN and the job he has done for his community and his State.

As a Republican, I am inspired by the the overwhelming response which JIMMY's service has earned him at the polls. In 1964, a year marred by many defeats, JIMMY led all Republican congressional candidates with a 72-percent majority in his district.

Last November, he managed to improve on even that formidable mandate when he received an overwhelming 87 percent of his constituents' votes.

The reasons for this striking success are many; JIMMY's dedication to his job; his now famous "open door" policy taking his congressional office to the people; his work on the prestigious Rules Committee, one of the most coveted appointments opened to any Congressman; and his untiring fight for the sound principles of humane, responsible government. All of these factors have contributed to JIMMY's tremendous success and popularity.

Mr. Speaker, I think all Americans can find it reassuring to know that despite all of the changes, turmoil, and confusion our country has undergone in recent years, the American system of government is still capable of producing leaders of JIMMY QUILLEN's stamp.

Mr. SMITH of California. Mr. Speaker, it is indeed a privilege and an honor to join with my colleagues here today in honoring Congressman JAMES H. QUILLEN.

Some time ago, when an opening occurred on the Republican side of the Rules Committee, those of us thereon were in unanimous agreement that we wanted JIM to fulfill this opening. He readily accepted this assignment and has proven to be a very able, thorough, and conscientious Republican member on the Rules Committee.

As the ranking Republican member on the Rules Committee, I can state without hesitation that he is prompt in attendance and always available to present rules assigned to him, which he does in a very able and efficient manner.

JIM is, indeed, a fine Congressman and certainly deserves this tribute for having placed No. 1 among the Republicans in winning in 1966. His district, the State of Tennessee, and the United States are fortunate in having the services of a man such as JIM in the House of Representatives.

Mr. BOB WILSON. As chairman of the Republican Congressional Committee, I am pleased to take part of JIMMY QUILLEN day. I have followed JIMMY's political career closely since August 13, 1962, when he first got his party's nomination to represent Tennessee's First District in Congress. And he won by a substantial margin that year, I might note.

During his first term in Congress, he gave notice that he was going to be a vigorous representative of his district. Without question, he was. In 1964, he led GOP congressional winners with 72 percent of the vote. He has had a rapid rise in congressional responsibility and in the esteem of his colleagues in the House. He was appointed to the Rules Committee during his second term, an honor that falls to few Members of Congress.

Last fall, the voters of the First District expressed their high regard for his services by giving him 87.1 percent of the vote. An impressive record, this was the highest percentage run up by a winning Republican Congressional candidate. It is deserved. Congressman QUILLEN has stoutly resisted the inroads of what is called "Potomac fever." He has kept in mind constantly that in addition to considering the Nation's laws, he is here to serve the people of his district. He has, in short, helped his country, the people of his district, and his party. We are proud of him.

One of the tasks of our congressional campaign committee is to urge capable men to run for Congress. The congressional career of JIMMY QUILLEN can well serve as an example of the benefits to the Nation and to the people of a congressional district that accrue from having men of his caliber make the race for Congress.

I am pleased to join my Republican colleagues in the House in honoring an outstanding Congressman and a great guy. On this, JIMMY QUILLEN day in the House, may I wish him many more happy election returns.

Mr. HORTON. Mr. Speaker, I rise today to join with my distinguished colleagues from throughout this Nation to pay tribute to the Honorable JAMES H. QUILLEN, of Tennessee.

In two successive congressional elections, Mr. QUILLEN has been the champion votegetter on this side of the aisle, a record which attests to the respect and endearment in which he is held by the constituents of the First District of Tennessee.

He has maintained a close relationship with the problems and triumphs of the people of his district in a way which would do any Member of this honorable body well to emulate. He has not forgotten the people of his district and they most certainly have not forgotten him on three successive election days.

I feel privileged to have entered this distinguished body on the same day as Mr. QUILLEN, and look forward to a continuing close relationship with him.

Mr. GOODELL. Mr. Speaker, I welcome the opportunity to associate myself with the remarks of my colleagues in

noting the magnificent job being done by the gentleman from Tennessee.

JIMMY QUILLEN has set a remarkable record in winning votes, a task all of us can appreciate.

It is noteworthy that his constituency must appreciate him—not so much for the results of the vote count, but for the very solid reasons behind it. JIMMY QUILLEN has distinguished himself and his office by the way that he continues to serve the people of his district.

He has never failed to go to them and give them the opportunity to be heard.

He has never failed to bring back to us their ideas and their views.

He serves a high role here in this Chamber and it is a pleasure to join in commending him for it.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I am happy to add my voice to the chorus of praise that is rightfully JIMMY QUILLEN's today as his colleagues honor a man who has won a distinguished reputation in this House.

His gentlemanly ways, his sincerity and friendliness, his courtesy and kindness are all outstanding even here where these qualities are possessed by so many Members.

After his first term in Congress, he was designated by the Members who were elected with him to the 88th Congress as "Congressman of the Week." At that time he was congratulated by them for his "outstanding contributions in the Roads Subcommittee of the Public Works Committee, and especially for his successful amendment to the Federal Highway Act guaranteeing that future sections of the Federal highway system shall be constructed adequately to accommodate traffic for at least 20 years from the time of construction."

His legislative achievements have indeed been many, but so have his electoral triumphs. The very large percentage of the vote which he received after his two reelection campaigns were stunning victories. The size of those victories showed the devotion which his constituents feel for him. They did not get that devotion from the air or out of the ground. It came mainly from Representative QUILLEN's unceasing and utterly dedicated efforts to provide solutions to their problems, to represent them honestly, efficiently, and wholeheartedly. In 1966 he polled 87 percent of the vote. Somebody back there in Tennessee likes him.

He was born in Virginia, close to the border of Tennessee. His parents moved their large family to Kingsport, Tenn., when he was a boy. With his nine brothers and sisters he worked hard as a youngster in fields where tobacco, corn, and beans grew only when backbreaking toil was mixed with them. Working his way all his life came easy to someone like JIMMY QUILLEN. He has shown as a Member of the House of Representatives some of the pride in honest work that he acquired as a Tennessee farm boy.

He had a straight "A" average in his high school work. He might have won some high marks in some of his other activities, but marks were not given for opening a restaurant every day before school and cooking and serving breakfast there, or for working all day Saturday until midnight in a grocery store.

His family could not afford to send him to college in those depression days of 1936. He earned $10 a week at his first job, and then $12 a week at the next one, in the advertising department of the Kingsport Times. He soon was the shoestring publisher of a weekly called the Kingsport Mirror; every word in it was written by young JIMMY QUILLEN. Eventually he sold his Kingsport paper, and moved to Johnson City where he began another one. He made a daily out of this weekly in 1940, the year in which he was awarded a citation as eastern Tennessee's youngest publisher; he was then only 24.

He served with distinction in the Navy during World War II, and after the war made his mark in the real estate business. When he was 38, by now financially secure, he began his career in public service by winning election to the Tennessee Legislature where he served for 8 busy and productive years. In his first campaign for Congress in 1962, he visited every town and hamlet in the 14 counties of the district that he wanted to represent. He has been here ever since; it is doubtful that his constituents will ever retire him.

In our midst, then, is a fine man, an able legislator, an unusually successful campaigner, a man who has worked for his victories, a man whose future is promising indeed. I salute my dear friend, JIMMY QUILLEN, of Tennessee.

Mr. BROTZMAN. Mr. Speaker, it is with great personal pleasure, and perhaps a small tinge of envy, that I rise to add my tribute to the many paid here today to our distinguished colleague, the gentleman from the First District of Tennessee, JAMES H. QUILLEN.

All of us are here by virtue of a mandate by the people, but I know of no other mandate which is quite so formidable.

Those of us who have known JIMMY QUILLEN since he was first elected could have told the good people of Tennessee that they had chosen wisely—that they were sending us one of their finest citizens.

But, Mr. Speaker, judging from the overwhelming margin by which JIMMY won his third term in this body, sending our advice would have been like carrying coals to Newcastle.

Mr. WYDLER. Mr. Speaker, I have had the honor of knowing JIM QUILLEN from his first day as a Congressman. In fact, he is a member of the 88th Club with me. Certainly his record of achievement and popularity is one of the outstanding records achieved by a Member of Congress.

I have found him to be a strong and worthy Member of the Congress and of the Rules Committee. Having seen him in action on that committee I realize what important contributions can be made by an intelligent, effective, and sincere Member of Congress.

Mrs. REID of Illinois. Mr. Speaker, it is a pleasure to join with my colleagues in the House in this special tribute to our good friend and fellow Republican, JAMES H. QUILLEN.

It was just 2 years ago that we met on a similar occasion for a similar reason—to congratulate JIMMY on the distinction of being the foremost votegetter among all the Republican candidates for Congress in the general election of 1964. As many of you will recall, he won reelection in that election by the biggest majority of the year—72 percent of the votes cast in his First Congressional District of Tennessee. This was indeed outstanding praise of JIMMY's record—for the greatest honor any elected official can receive is to have the overwhelming support and confidence of the people he represents.

But the general election of 1966 paid an even more impressive compliment to our good friend and colleague. His plurality of 87 percent was once more the highest percentage received by any Republican congressional candidate in the Nation—and once again well-deserved recognition of JIMMY's outstanding ability and his dedication and devotion to the cause of good government and the ideal of public service.

Those of us who have had the privilege of working with JIMMY in the Congress are happy that the people of his district, whom he serves with such distinction, have again endorsed him with such a resounding majority. I join with his many friends in congratulating him on a job well done; and I commend, also, the people of his district for their wisdom in sending him to Washington to represent their interests.

Mr. SMITH of Oklahoma. Mr. Speaker, I am pleased to join my distinguished colleagues in congratulating JAMES H. QUILLEN of Tennessee on his resounding victory in the November 1966 election. For 2 years, JIM has led all Republican congressional candidates—rolling up an 87-percent majority in 1966 and a 72-percent majority in 1964.

These are scores which speak well for the man and for his relationship with the voters in the First District of Tennessee. His phenomenal vote-getting ability indicates how close he is to the people, and how successful he is in representing their views and opinions in the Congress of the United States.

GENERAL LEAVE TO EXTEND

Mr. TAFT. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore (Mr. STRATTON). Without objection, it is so ordered.

There was no objection.

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

Mr. TAFT. I am glad to yield to the distinguished gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, this tribute belongs to the people of the First District of Tennessee for they have made it possible, not only by sending me to Congress but by expressing their views to me and allowing me the opportunity to serve them. To them and to you, my colleagues, I express my heartfelt thanks.

Mr. TAFT. I thank the gentleman and I am sure I speak for all Members of the

House of Representatives when I say that his remarks are certainly very much in order.

PERSONAL ANNOUNCEMENT

Mr. FULTON of Pennsylvania. Mr. Speaker, on rollcall No. 26 which was the vote on the preamble of the Powell resolution, I started out to attend the American Legion dinner as well as the Republican dinner this evening, thinking that the legislation was over for the day.

Mr. Speaker, I never heard of a vote on the previous question on a preamble or of a record vote on a preamble before in 22 years. I rushed back but I did not get here in time. I would have voted "yea" on rollcall No. 26 had I been present and not been caught by a complete legislative surprise.

TRIBUTE TO BERNARD B. FALL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 60 minutes.

Mr. RYAN. Mr. Speaker, there is a saying that the first casualty in war is truth. On February 21, 1967, a man who dedicated his life to disproving that proposition became a casualty of the war in Vietnam. Bernard B. Fall was killed in Vietnam while out on a combat mission with the U.S. Marines.

The fact that he was with the Marines was characteristic of Professor Fall's approach to scholarly research. He refused to be restricted to research in libraries or from the comfortable vantage of capitol cities. For Bernard Fall the place of the serious scholar was where the events were taking place. For him, the foremost historian of Vietnam in the United States, this meant being not only in Vietnam but at the frontlines. This took courage. But courage was a quality which Bernard Fall exhibited early in life.

Professor Fall first experienced guerrilla warfare at the age of 16, when, after the death of his mother in a German concentration camp, he joined the French resistance. Two years later he was wounded twice in guerrilla fighting in the French Alps. After the war Bernard Fall assisted the French prosecution team at the Nuremberg war crimes trial.

In 1951 the future historian came to the United States on a Fulbright scholarship and took his doctorate at Syracuse University where, at the suggestion of his professor, he concentrated on Southeast Asia. His firm conviction that scholarly research could not be limited to documents led him in 1953 to leave the United States for Indochina. Because of his war record he was permitted to accompany French troops into the combat zone. Out of this experience he wrote "Street Without Joy," the classic work on the French in Vietnam.

For Bernard Fall, "Street Without Joy" was just the beginning. He returned to Southeast Asia several times and interviewed Ho Chi Minh. He also started what was to be the most extensive private library on Southeast Asia in the world.

As professor of international relations at Howard University, Bernard Fall, when not in the field, lived and worked in Washington. When his major work, "The Two Vietnams," was published, he became increasingly in demand as a speaker and an unofficial consultant to those in Government who were vitally concerned with Vietnam. He not only brought his tremendous knowledge and insight to many of us in the Congress but was engaged by the U.S. Army to lecture on guerrilla warfare. In recognition of his work he received the George Polk Award for outstanding interpretive reporting in 1966 and was awarded a Guggenheim fellowship to help finance his trips to South Vietnam last year and this year. A French citizen, he was decorated by President Charles de Gaulle last year.

Through the years Bernard Fall became recognized as the leading authority on Vietnam in America. The great demand for his talents, however, never changed his devotion to objectivity and the search for truth. In his books and in over 250 articles, Professor Fall consistently pointed out that those who make policy are often not fully aware of the facts. In personal briefings he would, with great gusto, deflate sweeping generalizations by quoting, often with incredible recall, a vast array of factual material. He was highly critical of those who went to Vietnam for the official briefings. In a New York Review of Books article published February 9, 1967, he referred to "the Washington pundits who honor us with their presence here for a few weeks and go from high-level briefing to a carefully stage-managed pacification operation without ever seeing the real, bleeding Vietnam."

Professor Fall with great intensity tried to bring home to the policymakers and to the public that it was a serious mistake to view the National Liberation Front as a mere puppet of North Vietnam. In an excellent article last October in Foreign Affairs Quarterly, he contended that the NLF "must be treated as what it is—a political force in South Vietnam which cannot be simply blasted off the surface of the earth with B-52 saturation raids, or told to pack up and go into exile to North Vietnam."

Bernard Fall was an advocate of direct negotiations between the South Vietnamese Government and the National Liberation Front and firmly believed that in the last analysis the only solution to the Vietnam conflict was a political one.

We are indeed fortunate that, just before Professor Fall's untimely death, another book of his was published. "Hell In a Very Small Place—The Siege of Dien Bien Phu" takes its place beside "Street Without Joy" and "Two Victims" as compulsory reading for anyone who is concerned with the struggle in Vietnam. This book is a brilliant analysis of the historic battle of Dienbienphu. In a New York Times Book Review article, one of many highly acclaiming this work, Professor Mus, of Yale, wrote on February 12, 1967:

In sum, the book is a monument of accurate and vital information, written so directly and grippingly that one relives the drama with its actors . . . Besides being a direct help to a better understanding of the human setting and of the interconnection between the first and second Indochinese Wars, the process will lead the reader to evaluate the author as the first rate historian this book proves him to be.

Mr. Speaker, all major policy decisions must rest upon knowledge—a knowledge of the facts—not only on the part of the policymaker but also on the part of the public from whom, in a democracy, the authority of the policymaker is ultimately derived. Bernard Fall contributed knowledge in an area in which some of the most important policy decisions in American history are being made. For that the Congress and the Nation owe him a great debt of gratitude.

For those of us who had the privilege of knowing him, Bernard Fall's death is a great personal loss. We will never forget his undaunted enthusiasm, his overwhelming intellect, and finally, and most important of all, his deep humanism. To his wife Dorothy and their three young daughters we offer our deep felt condolences.

Mr. Speaker, I wish to insert at this point in the RECORD an article from the New York Times Book Review of February 12, 1967, and an article by Professor Fall which appeared in the New York Review of Books of February 9, 1967:

[From the New York Times Book Review, Feb. 12, 1967]

VICTORY AND DEFEAT

(NOTE.—"Hell in a Very Small Place," The Siege of Dien Bien Phu, by Bernard B. Fall. Illustrated. 515 pp. Philadelphia and New York: J. B. Lippincott Co., $8.95.)

(By Paul Mus)[1]

Bernard B. Fall, the foremost expert on contemporary Vietnam, has now turned his attention to the siege of Dienbienphu, where France lost the crucial battle of the First Indochinese War in 1954. As the Second Indochinese War becomes more and more an American one, extending even into the Mekong Delta, it will be interesting to see how Americans will accept Fall's historic evidence, and what conclusions they will draw from it.

Fall's book achieves the closest possible synthesis of previous research and known documents with the personal, impartial, but profoundly human contribution of a good historian. The first three chapters show how and why the French chose the site of the battle which had to be fatal for them: 300 kilometers from the heart of the Tonkin Delta, they could not imagine that the Vietminh could assemble and supply an artillery force in a forest with poor trails, and without the use of a single airplane. Four chapters deal forcefully and lucidly with the military sequence: Siege, Assault, Strangulation and Asphyxiation. Three more chapters conclude the dramatic story, and the books ends with an Epilogue, and a Postface ("Where Are They Now?"). There are also highly relevant bibliographical and biographical appendices.

The book's illustrations are outstanding; they present the men, the site and the heat of the battles vividly. In sum, the book is a monument of accurate and vital information, written so directly and grippingly that one relives the drama with its actors, and one is happily surprised to find, after reading of so many moving episodes, that the Postface contains a list of those who survived the trial of combat and captivity.

[1] Mr. Mus, author of "Vietnam Sociologie d'une Guerre," is professor of Southeast Asia studies at Yale, and of Far Eastern civilization at the Collège de France.

They have become, for the reader, real people.

As Fall stresses discretely but firmly—for speaking plainly, as a true friend has always been his characteristic tone on the relations between France, the United States and Vietnam—the French military defeat was also a diplomatic defeat for the United States, American policies encouraged France to establish, in that pivotal point in Asia and the world an independent, anti-Communist Vietnam, assuming that all that was necessary was to provide it with its own army, so that it could defend itself against the actions of its neighbors to the north. But after Dienbienphu the United States was forced to substitute itself for its ally, when France could no longer maintain her presence.

The political defeat for the United States therefore consisted in that it inherited from France (more discouraged than physically eliminated by this battle) a war which it has not succeeded in getting the Saigon government to fight any more effectively than France did, even if the United States has tried more sincerely than did the French.

The results are before us. They are so discouraging that the United States might well ask itself, from time to time, if it is not headed for a new Dienbienphu. And for a long while this attitude has been possible necessary to some, because there has not been a sufficiently impartial, thorough documentation of the siege of Dienbienphu, so that we could judge its lessons objectively. We must have calmer times before we can reflect philosophically on what this confrontation of East and West, with its victory for the former, meant. The important thing is to determine if the conditions are likely to be duplicated, and with the same results. This possibility preoccupies many Americans, and it stems from a perfectly justifiable feeling: Santayana's famous warning that those who don't understand history are condemned to repeat it.

Mr. Fall's book leaves no excuse for those who make the error of drawing the wrong conclusions from Dienbienphu. An error? Indeed. If one wants a government *by* the people, the people must not allow themselves, because they are ill-informed or do not understand, to let those who govern *for* them act independently according to their own inspiration or the judgments of military experts who are particularly suspect when it comes to judgment about men. We saw where their planning led the French in Indochina.

In order to understand man, that "wonderful, vain, diverse, and wavering subject," to quote Florio's beautiful 17th century rendering of Montaigne, the best analytical instrument is Democracy—the people themselves: the millions of minds of a great nation which wants and is able to inform itself. These millions of approaches provide the only valid method with which to understand corresponding human factors in other nations—there concealed again, in millions of initiatives, renunciations, risks and contradictions which finally tend toward a certain statistical consistency.

But the complexities would defy a computer as much as an individual mind, no matter how good a mind it was, unless it took its inspiration and information from the people. To gain an insight into an external object both human and statistical, one must apply another statistical instrument which at the same time knows how to think. Thus, when one is dealing with a people, one must appreciate them through themselves, with only a transfer from one nation to another—a transfer which doesn't change despite obvious differences, the essential character of the other nation.

Feed a people to a people and the result, unobtainable otherwise, might be an answer to a critical situation. The balance of these two infinite complexities would tend to some coherence of purpose, and perhaps a mutual adjustment. The direct instrument of this feeding-in should, of course, be a free and active press—the sort of press that has made possible Harrison E. Salisbury's reports from North Vietnam, which would seem to have contributed to the recent political and military decision not to bomb within five miles of Hanoi.

But the usefulness of a feedback effect depends on the collective computer, the people multiplying to infinity its grasp on an infinitude of facts and factors; it has to be conditioned into a truly democratic nation. So this instrument, this technique, may well represent the ultimate means of effecting Lincoln's immortal set of three: *of, by* and *for*, boldly extended over diplomatic and governmental protocol, from the domain of internal politics to the international level.

One could hardly ask for more suitable material than the present book in order to support this process—a process which, being alive, should take care of itself and what it needs. Had I the disquieting responsibility of feeding the machine on the Vietnam situation, I would unhesitatingly bring in Bernard Fall's account of Dienbienphu at a very early point, because it covers so many processes which seem to be vital to the decisions that must be made today.

In the first place, it gives the layman something which specialists in the field have often experienced: an extraordinary and at times almost unbearable intensity about the problems in this troubled area and the reactions they evoke. The deep convictions and wholehearted devotion of each person to his task, on both sides; the violence of the struggle in its most brutal form. Fall, French himself, saw enough of the war to be able to pay to his countrymen and their adversaries the supreme homage of preserving them in history by showing them exactly as they were.

There is no vain bragging in his statement that on the 24th of April, 13 days before the end, the beleaguered camp had 3,250 infantrymen in fighting condition, including "men who had lost one eye or even one arm." Captain Hervouet had plaster casts removed from his forearms, both fractured during earlier operations, in order to take part in the last stand. Captain Luciani, wounded three times, commanded his unit "with a heavy bandage over one of his eyes, which had been removed." On the last day, May 7, to the very last moments of the fierce fight on the overrun French positions, an automatic rifle team was seen firing point blank into the Vietminh assault wave. The rifleman wore a huge, bloody bandage around his waist, leaving a bloody print on the ground every time he shifted position. Passing him the loaded ammunition clip was a one-armed soldier who also wore a bandage around his chest. Goya!

During the first and successful assault that stormed an advance position on March 13, "One of the Viet-Minh soldiers who led the assault on the northeast bunker of *Beatrice*, squad leader Phan Dinh Giot, was to become the first hero of the Communist siege force. When a French machine gun firing from the bunker endangered the assault wave by its enfilading fire, Phan Dinh Giot threw his body against the bunker's firing slit. He was torn to shreds by a machine gun burst but blocked the gun long enough for the assault wave to pass."

What will your collective computer make of this? It must surely confirm the conclusion that short of the annihilation of one of the parties, there can be no purely military solution to a conflict evoking this kind of loyalty.

Is the society as computer is to take all relevant information into account, it must also be fed some pages of Gen. Vo Nguyen Giap's book. "Dien Bien Phu." In this statement of a total victory, all the credit for the great success is attributed to the plans made by the Party's central committee, plans determined according to the faultless analyses of the situation made periodically by that body, whose clairvoyance is explained in turn by its total adhesion to Marxist-Leninist military doctrine. Giap was present in this committee, and victory lay with him; nevertheless, the only name mentioned isn't his.

"The main and fundamental factor in this victory was the correct political and military line of our party, headed by President Ho Chi Minh." From that perspective, the adversary was merely a dummy. The reason why is clear. "The aggressive war grew from bad to worse . . . because the war made by the French capitalists was an unjust war. As a result their troops, from the very beginning, were inefficient and thoroughly demoralized." "On January 30, 1954, a platoon defending a position north of Dien Bien Phu repelled seven assaults of five enemy battalions," and so on till the end.

Needless to say, such a picture is hardly consistent with all other sources and with the actual course of events. Why didn't Dienbienphu then fall on the first attempt? This, too, is explained by the tactics fixed by the central committee, immediately after the success of the assaults on *Beatrice* and *Gabrielle*, March 13–15. The new slogan was "to strike surely and advance cautiously." So, during the second, protracted and fierce phase of the battle, the slowing down of the Vietminh progress would not have been the result of the active, often daring and tenacious resistance put up by the defenders, but of a judicious decision of the central committee, aware, in the true Marxist-Leninist military doctrine, that "an underestimation of the enemy" would generate "a rightist and negative tendency . . . subjectivism and self-conceit."

Is Giap, then, clearly wrong in his interpretation by undisputable facts? This would be the classical way to take history, record against record. But choosing the "human computer" line, with serial classifications, disassociations, and realignments, offers a much better analytical approach. The mistake would be to process Giap's document on the same cards and perforations as Fall's, or the book by Gen. Pierre Langlais on Dienbienphu. We would then miss the point, that the latter two are recorded history, whereas Giap's is history in the making. Speaking essentially to his army and his people and not for them, Giap's calculated, deliberate distortions become impulses and thus very positive factors in the situation.

For all this is not processive but constructive computer work, in strict application of Marx's axiom that it is not a question of understanding the world but of changing it. The notion that the colonialists as such could not fight well was part of the initial equipment of the victors and served them well; when they met an unexpected obstinacy on the part of their opponents, the background provided by the party's instructions took care of that, too: they were firmly assured that superior strategy was at work directing them, whereas the enemy would be blundering on from mistake to mistake. (And this happened to be not so far from the truth.)

When one checks Fall and other Western sources, one must face the unpleasant—however we interpret it—fact that the garrison of Dienbienphu and more generally the troops in the First Indochinese War were far from enjoying the full support of the home country's public opinion. In order to fight wholeheartedly, as everything seems to indicate they did, these soldiers must have had to find almost entirely within themselves, on the battlefield the moral power necessary to push them to the limit of their human resources—and beyond. This is a frequently misunderstood force; their principal support was their camaraderie among themselves, whose effects on these career soldiers, fighting outside the strict military hierarchy

they were used to, was surprising. "Rank and seniority no longer counted. The only criterion for command responsibility was the net worth of the officer. A number of lieutenant colonels and majors found themselves unemployed or relegated to minor takes. . . ." The actual conduct of the battle was now completely in the hands of the "Paratroop Mafia," indomitable fighters.

But—and this was to weigh heavily on the history of France in the years to come—this intense camaraderie, this attachment between commanders whose prestige in the eyes of their troops was the very reason the troops had something to hope for—this spirit, transferred back to France, and even more so in Algeria, was the preparation of a political point of view which led to humiliation and defeat. This group of men fanatically devoted to what they considered their mission without asking—and one could see why, at Dienbienphu!—anyone to define it for them, made a de Gaulle necessary to save the French from fascism and the threat of fascism brought the French to de Gaulle.

Here we should feed into our computer two chapters from "Deux Actes du Drame Indochinois," by Gen. Georges Catroux, which charges that the full responsibility for the Algerian conspiracy lies in the hesitations of the government of the Fourth Republic during the Indochina crisis. Though Fall is sympathetic to the best military accomplishments of the later protagonists in the "revolt" of Algiers, he clearly shows by what process they were led to turn against both their people and their country, in their misguided devotion to the idea they had formed of the latter among themselves, out of all contact with the former.

How might one draw any lesson from the First Indochina War and the Algerian affair relevant to the Second Indochina War and the American involvement? Neither the political circumstances and tradition of America nor the present general situation of the war make a close analogy valid. There is a great difference between a professional army, no matter how courageous and humanly motivated it is fighting as at Dienbienphu against a people resolved to find its true place in the world, and the direct will of a nation sending its sons as a result of a national decision, and thus less likely to feel themselves isolated—as long as the politics which got the troops there is truly the authentic expression of what the nation is in its own eyes, and of what it stands for to the rest of the world.

The French philosopher Alain used to quote Vauvenargues (1715–47), a fighter as well as a brilliant writer, who died prematurely of terrible wounds received during the seige of Prague: "Vice makes wars, virtue fights them." In a democratic climate of open and sincere national adjustment, it can do no harm to feed these words to the American political computer, verified as they have been by more than two centuries of active experience, as well as by the French experience at Dienbienphu.

Go up and down the precious lines and files into which "Hell is a Very Small Place" has to be broken in order to be used in the way I recommend—keeping an eye on the diagonals! Besides being a direct help to a better understanding of the human setting and of the interconnection between the First and Second Indochinese Wars, the process will lead the reader to evaluate the author as the first rate historian this book proves him to be.

[From the New York Review of Books, Feb. 9, 1967]

THE VIEW FROM VIETNAM

"SOE in France," by M.R.D. Foot. Her Majesty's Stationery Office (London), 550 pp., $9.00.

"Vietnam! Vietnam!" by Felix Greene. Fulton (Palo Alto), 175 pp., $5.50, paper, $2.95.

"Vietnam in the Mud," by James Pickerell. Bobbs-Merrill, 129 pp., $5.00, paper, $2.25.

"Vietcong: The Organization and Techniques of the National Liberation Front of South Vietnam," by Douglas Pike. M.I.T., 490 pp., $8.95.

"Vietnam Seen from East and West," edited by Sibnarayan Ray. Praeger, 192 pp., $5.95.

"The Politics of Escalation in Vietnam," by Franz Schurmann. Fawcett, 160 pp., $.60 (paper).

"Bernard B. Fall"

DANANG, SOUTH VIETNAM.—One of the added pleasures of covering the Vietnam war from inside Vietnam is that it is possible to lose track completely of what is going on elsewhere in the world—not only in the world, in fact, but in Vietnam as well. When with the Marines in the northern part of South Vietnam, it is perfectly easy to learn that Private Smith—whose first and middle names, home town and state, age, high school, are supplied on the spot by the ever-helpful PIO's—wiped out a Viet Cong position with a burst of his trusty M-14; but it is almost impossible to find out whether the landing in the Mekong Delta was really the hopeless botch it seemed to be from eyewitness reports. The reader of a good newspaper at home is likely to find out about this before I do.

Furthermore, very few books on Vietnam are available here, because, until a few weeks ago, it was nearly impossible to find one in any Western language that was not heavily critical of either the United States or South Vietnam. As was recently reported, this is also true of the United States Information Agency's USIS Library, where almost all books dealing with Vietnam (including my *Street Without Joy*, which does not even deal with post-1954 Vietnam) are locked up on closed shelves. Indeed, the US military forces have a far more liberal policy than the USIS: while uncritical books are more widely displayed, some critical books can be bought without difficulty at the military newsstands. (Whether this means that the US military have an inherently stronger belief in American principles than the USIS is not clear.) As for the Vietnamese themselves, book censorship seems to depend on the caprice and spotty reading of the censors. For instance, there is for open sale at this moment in Saigon a book on the Tri-Continental Conference against Colonialism and Imperialism, held in Havana a year ago. It was issued by an extremely left-wing Paris publisher, and is a running indictment against the United States and its policy here. Apparently the author's name didn't appear on somebody's blacklist, so the book slipped by.

Hence, to receive books about Vietnam here is suddenly to be confronted with enlarged and different perspectives on a war which, in spite of the best electronic communications in the world, has been distorted by a foxhole view if one is in the field (there are foxholes, by the way, in this jet-propelled war), or into an equally narrow view based on rumor (did Marshal Ky really say he admired Hitler?) if one is in Saigon. Yet Michael Foot's *SOE in France*, published by Her Majesty's Stationery Office, not only fails even to mention Vietnam, but deals with a war that took place a quarter-century ago and ten thousand miles away. It has been virtually ignored by the American press, but in Western Europe it became a best seller much as the Warren Report was in the United States, and brought about what was probably the most unusual interference of a foreign power in the freedom of expression of another country to occur in a democracy in peacetime. And what it says *does* have a bearing on Vietnam, after all.

On June 3, 1966, a French court bailiff arrived at the offices of the liberal weekly *Le Nouvel Observateur* in the rue Royale in Paris, escorted by two police commissioners. He presented the astonished editors with a valid injunction by a French court enjoining the magazine from publishing a book review "at the request of Her Britannic Majesty." On June 6, despite urgent queries at the British Embassy in Paris, and the latter's consultation with the Foreign Office, the injunction was maintained, thus turning the book from a dull buckram-bound official history into a *cause célèbre*.

SOE was Britain's wartime special Operations Executive, the equivalent of the American OSS, forerunner of the CIA. As all of mainland Europe slipped under Nazi control in late 1940, it became necessary for the hard-pressed British not only to gather far more intelligence than the peacetime Intelligence Service could provide, but also to inflict upon the Germans whatever military harassment was possible under the circumstances. SOE built up networks of local groups and provided them with the basic means of organizing resistance movements which in turn could tie down more German troops and provide the Allies with intelligence. Commissioned by the Foreign Office, Foot, a solid academic specialist on nineteenth-century diplomacy, accepted in 1963 the task of writing this book under restrictions which resemble those of the Kennedy-Manchester arrangements: he was first to work on the documents alone, and only afterward to meet with some of the survivors. Apparently London never gave him permission to request access to French documents or surviving French witnesses. In all likelihood those limitations were the reasons for certain built-in biases which provoked the ire of the *Observateur* and, in turn, the heavy-handed official attempt by the British to interfere with the book's reviews in Paris.

For the book, in a readable and understated style, argues that the French Resistance was essentially a creation of the British. By the time the first copies of the book entered France, dozens of French Resistance leaders, authentic heroes to a whole generation of their countrymen, were ready to file libel suits against the hapless Foot. Even the revised versions of the pieces the *Observateur* finally published were far from tender—for Foot, on the basis of the SOE records, documented what the Nazis and their Vichy collaborators had said all along: the French Resistance was nothing but a tool of the British. It had no life of its own. Its leaders were faceless and of no importance except to their masters in London.

In Foot's words: "Till 1944 the British had a virtual monopoly over all of De Gaulle's means of communications with France," and the French "could not introduce a single agent or a single store"—the latter being Anglicism for "supply items"—without Allied permission. While the actual facts were somewhat at variance with this sweeping assertion (De Gaulle's establishment in Algiers gave him access to the gold reserves of the Bank of Algeria and control of some ships and aircraft that owed nothing to SOE) the main point surely holds. Furthermore, the Americans and British—the former operating only a little more blindly than they do now, and the latter as shortsighted at times as they later were in their attitude toward the Rome Treaty in 1957—were grimly determined to keep aid to the French Resistance "nonpolitical," i.e., entirely tuned to *their* objectives rather than to French objectives. "Any thing the French planned with marked political implications," says Foot, was liable to "be vetoed by any of the three major Western allies." Aside from the slip of *three* "major Western allies" (which was the third? the Canadians? the Dutch? the London Poles? Or perhaps Stalin?) the general point again is true: Foot describes how the British, contrary to their agreement, broke

the Free French code and unleashed extremely costly (to the French) guerrilla uprisings, over the objections of the staff of the French Forces of the Inerior (FFI). As a young boy I was in the French Alps among those *maquis* units offered up for sacrifice. With our SOE and OSS mentors, we were to delay a German mountain division and an elite SS Brigade from reaching the Allied beachheads. The order, given too early and disregarding the pleas of the FFI command, resulted in the Vercors massacre, still a sore subject in Resistance circles.

But Foot is too good a historian to have confused the SOE's ability to organize an existing French will to resist the Nazis with SOE's obvious inability to create a widespread popular movement out of whole cloth. As he says (p. 442), "All these victories by and through resistance forces in France had a common basis: overwhelming popular support." In other words, SOE, like its traditional brother agency, the Intelligence Service, could (and did) recruit a small group of devoted (and paid) intelligence agents, some of whom betrayed them, while others died with their lips sealed, in torture chambers. But SOE could not recruit me, a boy of sixteen, and 30,000 other men and women like me, some younger and many older, to go out and live for a few years in the inclement climate of the Alps or the Pyrenees to face the *Wehrmacht* with light weapons. I went only because I felt I had to, and I stayed because I knew the cause was right. To the very end, I was part of an "armed minority" led by "faceless leaders" and imposed my will with the help of some Englishmen and Americans who arrived by parachute. And that is where Foot's book becomes relevant to the Vietnam debate, for it clearly delineates what makes a guerrilla movement genuine—*any* guerrilla movement, be it left-wing (as here in Vietnam), Moslem nationalist (as in Algeria), Christian Orthodox (as in Cyprus), or Jewish (as in Palestine).

All of these movements started abroad—General Grivas, in his memoirs, tells us how he decided to liberate Cyprus one day, sitting at a sidewalk cafe in Athens; Masaryk started the Czech Republic in Pittsburgh—and all others had foreign support. Their underground leaders (unless they were candidates for immediate suicide or prompt arrests) had faces which were not reproduced on their country's postage stamps. An outside specialist can only organize what is *willing* to be organized, for it is as easy to run away from a guerrilla force (people did so all the time in the FFI), as it is to desert from a a regular army, if not easier. Yet, in Vietnam during 1966 a total of 20,242 *Chieu-Hoi* ("Open Arms" defectors) came out of the jungle, bringing with them a total of only 1,963 weapons—i.e., most of these defectors were unarmed civilians, a fact which is not denied here. Meanwhile the South Vietnamese Army lost, that same year, at least 110,000 men, who simply walked off and out of the war. Apparently, fourteen years of American organization here have yet to match the effectiveness of the Viet Cong's organizational efforts.

The theme of Douglas Pike's book *Viet Cong*, is, like Foot's, Organization. It had also an unexpected notoriety. Its author works for the Joint United States Public Affairs Office (JUSPAO) here as the U.S. Mission's No. 1 Viet Cong expert. Like the books critical of U.S. policy which are hidden by the USIS but kept by the U.S. military, Pike's presence is one of those small illustrations of the good side of the American system. No other book is likely to demolish more completely and more seriously all the convenient myths dished out officially about the National Liberation Front (NLF), for this is the work of an "insider." In his job Pike sees more material than anyone except the Front Leaders themselves. He has read reports from captured Viet Congs, translations of the huge quantities of captured documents (the NLF, like all movements influenced by Communism, is afflicted with such bureaucratism that several wits here have suggested that one way of stopping them completely would be to parachute in to them hundreds of mimeograph machines), and publications from Hanoi or from Front sources abroad. At least eight hundred such documents are cited in this book. That does not exactly make it bedside reading (and an enormous amount of typical M.I.T. pseudoscientific verbiage does not help, such as "externalization" and "proselyting" [*sic*], but anyone who wishes to discuss intelligently a solution to the Vietnam problem should read his book.

"What struck one most forcibly about the N.L.F.," Pike writes, "was its totality as a social revolution first and as a war second. . . . Even more important, it openly communicated its intentions to the Vietnamese population. Such an ambition far exceeded that of the Viet Minh" of earlier days, who, under the leadership of Ho Chi Minh, fought the French. Here is an enemy who, according to Pike, lives by a highly moralistic mystique, "far more moral than ideological. Virtue was the golden word." An enemy who, supposedly, obeys the tenets of Communism but who, at the same time, can be taxed with "extreme romanticism . . . Idealistic appeals abounded: the promise of the good life in utopian terms; the opportunity to revolt against all the evil, injustice, and inequity of this world; the chance to be part of a great crusade." To see how far away we are from that kind of appeal, one has only to look at downtown Saigon, to cast a glance at the kind of ideals Saigon offers the population, or to read some of the leaflets our own psychological warfare uses. The black market here seems to be even more resistant to "sweep-and-destroy" operations than the NLF's stronghold around Bong-Son, which was "cleared" by large elements of two American divisions *four* times in 1966, and is still as unsafe as ever.

It would be totally depressing to compare a batch of official handouts of, say, the years 1960–63 with Pike's statement: "In horror, Americans helplessly watched Diem tear apart the fabric of Vietnamese society more effectively than the Communists had ever been able to do. It was the most efficient act of his entire career." So much for the golden days of the Diem regime, so eloquently described in past State Department White Books. As for the origin of the NLF, Pike, more than any other Westerner thus far, has successfully analyzed the Vietnamese *cultural* proclivity for secret societies, and he also faces up squarely to the fact that an overwhelming number of the original NLF supporters were not necessarily Communist but certainly anti-Diem, simply because they were left with no other choice: "Many of the original participants in the NLF had turned to it because they had been denied participation in South Vietnam's political process, *even in the role of loyal opposition* . . ." (my italics). If there is any illusion in America that the same opposition is being offered any better alternative today, that illusion should be dispelled by what one of the highest civilian officials of the government of Air Vice Marshal Ky told me: "If somebody wants to oppose us," he said, "let him do it in Hanoi. Not here." The chances are that nothing that is going to happen in the future will change the views of such men. With such a system in place, any real opposition is going to stay not only disloyal, but underground; permanent instability is almost built in to such a system. In any case, it can be assumed that at some point Hanoi, perhaps even reluctantly, decided to intervene in behalf of the opposition to Diem. After all, a far more alien power had been intervening on Diem's side ever since 1954.

Compared to Pike's book, the small book, *Vietnam Seen from East and West*, edited by Ray and first published in Australia is, in its antiquated way, almost funny. The Anglo-American hawks have managed to find a few like-minded Vietnamese, Laotians, Koreans, and Filipinos to justify its title, but the authors really look at Vietnam from the Right to the Far Right, and all that they can see is a proxy war with Red China. Nothing else, certainly not the Vietnamese people, seems to count. Once the Vietnam problem is posed in those Ruskian terms, anything goes. To paraphrase Samuel Johnson's observation that patriotism is the last refuge of the scoundrel, grand strategy seems to have become the last refuge of some pretty strange people.

It would be pointless to recite all the factual errors (let alone weird views) of most of the authors. One Vietnamese writer escalates the number of people killed during North Vietnam's botched 1956 land reform from the commonly accepted figure of between fifty and a hundred thousand to a half million; another gives false, far-too-low desertion figures for his country's army; a British hawk still describes Bonze Tri Guang as a "Communist"—in spite of the fact that in May, 1966, when faced with the choice of being captured by Ky in rebellious Hué or joining the NLF he opted for capture and house arrest. Ho Chi Minh is said to be "surrounded by Stalinists" (!) and North Vietnam fights this war "under the aegis of China." Even such responsible journalists as Brian Crozier produce undocumented non-facts, for example, the statement that General Giap led, in 1955, an "extreme" wing in Hanoi which wished to invade South Vietnam even before the election deadline of 1956. Only Maximo V. Soliven, a Filipino drawing on the Huk example, and Arnold Beichman, who quotes General Lansdale as saying that "the Communists have let loose a revolutionary idea in Vietnam and it will not die by being ignored, bombed, or smothered by us," at least make some valid points. The Australians sound like Bulgarians trying to explain Russia's viewpoint on NATO. And when they call themselves "a part of Asia" they sound as convincing as Rhodesia's Ian Smith when he refers to himself as an "African." I'm sure I shall soon find this book on the "open" bookshelves of USIS.

Franz Schurmann's book is probably the best single investment anyone can make in the literature on Vietnam (it costs sixty cents). It is a work which I would like to see seriously and thoughtfully debated by Administration advocates. Like any book written by a committee (the book also has a foreword by Arthur Schlesinger, Jr.), it won't win high marks for style, but it presents clearly much of the story of the failure of the American government to pursue a diplomacy that would lead to a negotiated settlement: the peace-feelers that were missed, the ignored appeals, the "cues" that were not given, the tendency of the U.S. to escalate the war when chances for détente were most hopeful.

Not that it is by any means complete, because it falls into the common ethnocentric error of American scholarship of quoting mainly Anglo-American sources. Yet, this is, unfortunately, understandable: they are the only sources the US believes. Reliable first-hand observers have reported for more than a year that some North Vietnamese cities had been demolished: after all, there are Frenchmen, Canadians, Indians, and Britons stationed there, and the French pilots of the International Control Commission who have flown over North Vietnam every week for the past fourteen years have seen a great deal. Several American travelers had been to Nam-Dinh—but it took *The New York Times'* reporter Harrison Salisbury to make it "official" that the city was in ruins. The same seems true of peace feelers. Schurmann could have interviewed Philippe Devillers to confirm the disappearance of the 325th North Vietnamese Division from combat in the South in 1965 after Secretary Rusk called for a "sign." The American response was, as a

senior North Vietnamese official pointed out, more air raids. It is now clearly established that there was a slow-down in infiltration during last year's bombing halt. On this side, about 30,000 reinforcements arrived. I spent Christmas with US Marines on the 17th parallel; according to the available information, American patrols found few, if any, infiltrators, and the same was true at New Year. But according to official announcements, the better part of an American division went ashore during the truce. We all can look forward to new enlarged editions of *The Politics of Escalation* as more peace feelers get muffed all over the map.

Vietnam! Vietnam!, biased though it is, is still likely to go down as *The Disasters of War* of this conflict. As to the bias of this collection of photographs of the Vietnam War: just as it must be acknowledged that the French Resistance killed more Frenchmen in two years than the French Revolution's terror in six—many of whom were not collaborators—it must be clearly realized that the Liberation Front does not fight its share of the war with snowballs. Whatever the provocation, and however genuine the NLF's hatred of the largely avoidable barbarisms of the other side, it is nonetheless true that the NLF also kills innocent people and that photographs to that effect are also available and should have found their way into the final selection. With that caveat in mind, Greene's book tells a story that is sickening. It has by now been clearly established that American troops at least witness tortures, if nothing more than that. On one page, an Army officer, identified by name (was his head cropped off by UPI, which took the picture, or by Greene?) stands by with a radio-telephone as a man is being slowly garrotted. There is an unforgettable shot of an American M-113 armored personnel carrier (its markings identify it as vehicle 21, "B" Squadron, 12th Cavalry, presumably), with part of its American crew looking on unconcernedly as a dead (one hopes) enemy is being dragged behind the vehicle like Hector behind Achilles' chariot. The picture, again by UPI, won an international photography prize.

With that picture a problem arises: it shows, according to US Army Field Manual 27-10, issued over the signature of General Maxwell D. Taylor, and entitled *The Law of Land Warfare*, prima facie evidence of what the Manual calls a "war crime." Indeed, Paragraph 499 of the Manual reads in full:

"The term 'war crime' is the technical expression for a violation of the law of war by any person or persons, military or civilian. Every violation of the law of war is a war crime."

FM 27-10 also says under Paragraph 504: "Other Types of War Crimes."

"In addition to the 'grave breaches' of the Geneva Conventions of 1949, the following acts are representative of violations of the law of war ('war crimes'):

"a. . . .

"c. Maltreatment of dead bodies."

The American Unified Code of Military Justice (UCMJ, Article 18) provides for trial by general courts-martial of war crimes "if committed by persons subject to United States military law," under Paragraph 506 (c) of the Field Manual; and Paragraph 507 makes it mandatory that "Commanding officers of United States troops must insure that war crimes committed by members of their forces against enemy personnel are promptly and adequately published."

That is what the Law says. But perhaps that UPI picture is a fake, and all the other pictures of similar types are anti-American fakes, and what I am being told happens here is all nasty anti-war propaganda. I haven't heard of anybody in this whole conflict who has yet been prosecuted for violation of the Laws of War. But I will keep looking.

James Pickerell's book is of the same type as Greene's: lots of photographs, since he is a photographer, and some text. At first glance, this looks like just another one of those Vietnam quickies which are beginning to flood the market. The photographs, though they too depict torture at one point, and violence throughout, are of the kind which we have seen before on TV and in the newspapers. But—there is the text, and Pickerell, who now has his own photo studio in Saigon, suddenly turns out to be more than just an eye behind a lens. He has a conscience, and like Pike he speaks out, but with a quiet emphasis which perhaps carries more weight than the sometimes strident approach of Greene. Like may of the other journalists here, he is, as Neil Sheehan recently said in *The New York Times*, "A Dove Not Yet, A Hawk No More."

Pickerell sees the war far more closely, and in many more places, than the Washington pundits who honor us with their presence here for a few weeks and go from high-level briefing to a carefully stage-managed pacification operation without ever seeing the real, bleeding Vietnam. In Pickerell's view, the war will escalate and it will extend beyond 1968 at the least. In the best of circumstances he believes it would take at least three years to set in motion the programs of reform that might conclusively reshape the war. But, he says:

"We will lose in Vietnam, not because it was inevitably from the start, but because we failed to think and change with the times. . . . We will always place military action above economic and political development. It is for these reasons that we will lose. . . . The years will go by and the public will begin to wonder why, if we are always winning, the situation never seems to improve. This more than anything defeated the French, and it will probably defeat us too."

But Pickerell, like all of us who are here, is too close to his subject, and loses sight of the big picture which is perceived so clearly ten thousand miles away. He can't see the Grand Strategy of it, the Containment of China—soon there will be tens of thousands more troops "containing" the same threat in Thailand, and the deterrent example this quagmire is supposed to offer other peoples elsewhere. At the end of his book Pickerell warns his readers of the fate of Goliath. Yet the duel between David and Goliath was recorded in the Bible precisely because David's victory was so unlikely. Here, a massive military effort is deployed to show that the strong will prevail over the weak. And never mind the Laws of War.

THE TRAGIC LOSS OF BERNARD FALL

Mr. EDWARDS of California. Mr. Speaker, we were deprived last week of the invaluable perspective of our foremost expert on Vietnam, Prof. Bernard B. Fall. With his experience as early as 1953 with the French troops behind the lines at Dienbienphu, his subsequent residence in North Vietnam, and his patrols with American troops during six trips to the war zone, Professor Fall was the American's, and much of the world's, definitive authority on the roots of that devastating conflict. He directed all of his considerable scholarly skills to examination of the historical backdrop for the present war. His reportorial instincts and his insistence upon facts from the field took him back to the battlefront again and again. These same instincts, tragically, led to his death last Tuesday along The Street Without Joy, an area he enthusiastically described to an information officer in Da Nang as "my home ground."

Typically, he died not in a book-lined study, but in the midst of the fighting about which he was writing. It was this combination of up-to-the-minute journalistic detail and thorough historical background that made his seven books on Vietnam so valuable to the highest military authorites as well as to students and other citizens seeking greater understanding of what he called "this quagmire."

One mark of Professor Fall's great integrity and the esteem with which he was universally regarded was the recommendation of his books by Vietnamese students in exile in Paris as the most balanced accounts of what is really happening in Vietnam. His knowledge of the conflict made him a truly irreplaceable source of understanding for all of us. I can think of no more fitting memorial to him than for the United States to reflect his contributions in a more realistic approach to the war, and in seeking an early solution to what many lesser authorities joined Professor Fall in defining as an internal strife over which an international war has been superimposed.

In addition to the tragic loss suffered by our country and, indeed, the entire world, with the death of Dr. Fall, I must add a personal expression of deep sorrow. Bernard Fall was a dear friend of mine and I found profound comfort and sustenance in my close relationship with him. To Dorothy Fall and the children, I extend my deepest sympathy.

I would like, at this time, to include in the CONGRESSIONAL RECORD these articles from the New York Times, the Salt Lake Tribune, and the Washington Post paying tribute to Bernard Fall.

[From the New York Times]

BERNARD FALL KILLED IN VIETNAM BY A MINE WHILE WITH MARINES

(By R. W. Apple, Jr.)

SAIGON, SOUTH VIETNAM, February 21.—Bernard B. Fall, the writer and historian of the strife in Vietnam, was killed today by a Vietcong mine while on patrol with American marines.

Dr. Fall, a 40-year-old professor of international relations at Howard University, in Washington, had written seven books about Vietnam. The most recent, "Hell in a Very Small Place: The Siege of Dienbienphu," was acclaimed by reviewers when it was published by Lippincott last month.

He had often written of the subtle ironies of the battle for Indochina and his death conformed to the pattern he had discerned.

He was killed about 14 miles northwest of Hue, along a desolate stretch of seacoast known as "The Street Without Joy." He had chosen that phrase as the title of one of his major books and had dedicated it to "those who died there."

Capt. Henry C. Stackpole of Guilford, Conn., an information officer at Danang, said Dr. Fall dined with Lieut. Gen. Lewis W. Walt, the Marine commander, on Friday. Later, Captain Stackpole said, Dr. Fall asked "where the action was."

The captain told him of three Marine Corps operations that were under way south of Danang. Dr. Fall, as was his habit, pressed for details, and Captain Stockpole mentioned a fourth operation northwest of Hue.

"Why, that's my area!" the scholar replied. "That's my home ground. I'll go there."

A Marine photographer was also killed when the mine went off, an American military spokesman said. Two Marine combat photographers were wounded by shrapnel and evacuated.

FAMILY IN HONG KONG

The Vienna-born professor, who came to Vietnam in December for research on yet another book, was also contributing to American and European periodicals during his stay here. He had written a number of articles for The New Republic in recent weeks, as well as critiques for The New York Review of Books.

He is survived by his wife, Dorothy, an American citizen, who has been living in Hong Kong, and two sons and a daughter.

A spokesman for the United States mission said that it "deeply regretted the death of this outstanding scholar of Vietnam."

Dr. Fall had been criticized by many officials as "an apologist for the French" and as an exponent of a defeatist attitude toward American involvement here.

A well-built man of medium height, Dr. Fall spoke with contempt of those who wrote from the safety of the United States about Vietnam and the men who are fighting here.

BOTH GENERALS AND GI'S

More than a year ago, during an earlier visit, he accompanied members of the newly arrived United States First Cavalry Division (Airmobile) on an operation in the Central Highlands. When the troops arrived at the spot he knew well, he gathered them around him and recalled the destruction of French Mobile Group 100 in a battle three years before.

His books were on the shelves of senior American officers and in the tents of a surprising number of G.I.'s.

This pleased Dr. Fall almost as much as the increasing acclaim he had recently won, and he made no effort to hide his delight. He told a friend recently of having seen all of his works lined up on the desk of a senior general, and, without pause, pulled from his briefcase copies of favorable reviews of his books.

"My ambition," he said, "is to be the foremost military writer of my generation."

The remark was typical, for Dr. Fall was a man of enormous enthusiasm as well as powerful intellect. Confronted by a dinner party whose members seemed unaware of the niceties of World War II, he would launch, without embarrassment, into a penetrating and detailed analysis of, say, the Maginot Line.

Among Vietnam specialists he had a reputation for total recall. He could supply on a moment's notice the precise order of battle for both sides at Dienbienphu, North Vietnamese infiltration rate for the last two years or the bomb tonnage dropped by United States planes on North Vietnam in a given week.

He cut a dashing figure, dressed in shorts and a sports shirt open to the middle of his chest and wearing specially tinted sun glasses. He had begun to grow a small goatee.

His tools were a talent for languages and an ability to dig out telling detail. He spoke French, English, Polish, Russian and German and sometimes managed a few words of Vietnamese. He was conscious that his English was not as elegant as it might be, and he spoke with admiration of Joseph Conrad, who wrote English with facility although Polish was his mother tongue.

Dr. Fall maintained in the basement of his Washington home an astonishingly extensive filing system on Southeast Asia.

He said he had conducted hundreds of interviews and read thousands of documents to develop the vignettes with which he spiced his account of Dienbienphu. In a typical passage, he wrote of the last day of the 1954 battle in terms of a rifleman who "wore an extensive bandage around his waist, leaving a bloody print on the ground every time he shifted position."

Dr. Fall was skeptical in his attitude toward American participation in the war. He felt that President Johnson had failed to articulate his goals, and we wondered aloud whether the United States would be willing to preserve here.

In "Street Without Joy," he wrote of a French Operation launched against the Communist Vietminh on July 28, 1953. He considered it an instructive example. The French deployed 30 battalions against a Vietminh regiment the 95th. They killed more men than they lost, but they failed to trap the enemy and they were eventually forced to withdraw their troops to fight elsewhere.

FAR GREATER FIREPOWER

Dr. Fall pointed out later that American troops were faced with similar problems. But he also noted that the allies had far greater firepower than the French. He agreed with the thesis that the Vietcong could never win a purely military victory.

Sensitive to allegations that he had been soured on Indochina by the experience of his countrymen, he wrote in his most recent book: "If the trite phrase 'telling the truth without fear or favor' has any meaning, it can in all fairness be applied here."

The book suggested that the United States might have avoided its present travail if it had acceded to a French request for air support at Dienbienphu. He laid the blame for the American refusal at the feet of President Johnson, who was then the minority leader of the Senate.

However, Dr. Fall savagely criticized the French military and political authorities for their major policy decisions.

His own career gave him a backdrop against which to evaluate the struggle for domination in Southeast Asia.

He served in the French Underground from 1942 to 1946 and worked as a research analyst for the Nuremberg War Crimes Tribunal. He went to the United States for the first time in 1951 as a Fulbright scholar and earned a master's degree in political science from Syracuse University.

VISITED NORTH VIETNAM

In 1953 he came to Indochina and accompanied French forces in the field, covering areas north of Dienbienphu behind enemy lines. After earning his doctorate at Syracuse, he returned to Indochina and spent several months in North Vietnam.

He won the George Polk Award for outstanding interpretive reporting in 1966, and was awarded a Guggenheim Fellowship to help finance his trip to South Vietnam last year and this.

Dr. Fall had retained his French citizenship, but had recently told friends that he intended to apply for American papers as soon as he returned to the United States. He had hesitated to do so, he said, in the hope of gaining an entry visa for North Vietnam, but had been turned down repeatedly.

Dr. Fall was the ninth combat correspondent to die in Vietnam since the intervention of American ground forces here, and was by far the best known. His death took place in circumstances strikingly similar to that of the noted photographer Robert Capa, who was killed by a land mine in the Central Highlands in 1953.

FAVORITE OF DOVES AND HAWKS

In the debate over American involvement in Vietnam, few experts were so often quoted approvingly, and out of context, as was Bernard B. Fall. Doves favoring a softer policy were pleased by his insistence that the war was not the product of unilateral aggression by North Vietnam. They were appreciative when he asserted there had been blunders in United States policy in Southeast Asia and when he charged, as he did in the Feb. 9 New York Review of Books, that the United States had a tendency to escalate just when the outlook for a solution seemed most hopeful and that President Johnson had ignored peace cues from Hanoi.

Hawks favoring a firmer policy were pleased by his view that the commitment of American combat forces to Vietnam was necessary to prevent the military collapse of the Saigon Government.

Mr. Fall was born in Vienna but spent his formative years in France. He fought with the maquis, the French underground, against the German occupiers and was awarded a medal by France after the Liberation.

Although he had been living in the United States since 1951, he retained his French citizenship. His French passport gave him more freedom of movement than an American passport, and he was able to travel to Hanoi long before any American correspondents did so.

A SENSE OF FOREBODING

No one could have made so many trips, six, to the war zone without a sense of foreboding. This he confided to his editor, Stewart Richardson of Doubleday, last November. "He had a premonition," Mr. Richardson said yesterday. "He felt that something might happen and he told me: 'My wife knows where everything is.'"

He was under contract to do another book on Vietnam for Doubleday. He was also to send articles to The New York Review of Books and The New Republic.

A report that he had been engaged by the Rand Corporation to interview Vietcong prisoners and defectors and report on their attitudes was denied yesterday by an official of Rand, a Santa Monica, Calif., nonprofit organization that does research for the Defense Department and other Government agenices.

His books and articles were storehouses of enduring information. Many an American officer got his first real appreciation of the agony of Vietnam by reading Mr. Fall's "Street Without Joy: Indochina at War," published in 1961. Mr. Fall's material was mostly gathered first hand in 1953–54 when he lived in Hanoi and accompanied French forces on combat operations.

Bernard Fall was born in Vienna Nov. 11, 1926, the son of Leon and Anne Seligman Fall. He was a student for two years at the University of Paris and later studied at the University of Munich.

[From the Salt Lake Tribune, Feb. 24, 1967]

DEATH OF A SCHOLAR ON "STREET WITHOUT JOY"

Fourteen years ago, Bernard B. Fall went to war-torn Indochina to do research for his doctoral thesis. Because he was a French citizen he was allowed to accompany French forces fighting the Viet Minh, thus seeing action at first hand and gaining personal experience in Communist guerrilla methods. He received his Ph.D., then wrote a book, "Street Without Joy," choosing as the title the soldiers' name for a stretch of desolate seacoast northwest of Hue. This week, while accompanying U.S. Marines operating on "the street," Fall was killed by the explosion of a Viet Cong mine.

Fall was a scholar-reporter. He wrote numerous magazine articles and several books on Indochina and Vietnam, the latest being "Hell In a Very Small Place," a detailed account of the siege of Dienbienphu, which was acclaimed by reviewers when it appeared early this year.

Born in 1926, Fall got his first taste of guerrilla warfare in his teens when he joined the French underground and fought against the Nazis. Later he served two years in a Moroccan mountain division, then came to the United States where he completed his education and married. For the past 10 years he was a professor at Howard University, Washington, D.C., though he took frequent leaves to study and write about Communist infiltration in Southeast Asia.

Some American officials called Fall "an apologist for the French" and a defeatist in his views on U.S. involvement in Viet

Nam. But a spokesman for the U.S. mission in Saigon, expressing deep regret at his death, called him "this outstanding scholar of Vietnam." Fall was no cloistered scholar. He did not hesitate to take risks to find out what he wanted to know. Finally, as for so many other brave men in Vietnam, his luck ran out.

[From the Washington Post]

BERNARD B. FALL

The qualities that endeared Professor Bernard B. Fall to his admirers and most exasperated his antagonists in the Vietnam debate were brutal candor and uncompromising intellectual integrity. There were no platitudinous ifs, ands or buts in what Fall wrote and said that could leave any doubt as to where he stood, or that might make it possible to engage him in polite but indeterminate sparring. He argued his case angrily, brilliantly, brashly and with a missionary's passionate conviction. He was a relentless gadfly who deserves much of the credit for stirring up a meaningful democratic discussion of the Vietnam issue.

Whether or not one agreed with him, and this newspaper often did not, Fall earned increasing respect over the years as a well-informed critic of policy in Vietnam and as a distinguished advocate of a "political" approach to ending the war. Confronted with the question, "What would *you* do?", Fall answered that he would encourage the Saigon government to make its own peace with the Vietcong by treating it as an indigenous southern political force. Whether or not it is "northern-controlled" at present, he contended, it has powerful southern regionalist elements within it; and these could be induced to join a coalition regime in Saigon irrespective of Hanoi's wishes or discipline. In this way, he suggested, the existence of a separate South Vietnam might be assured for a number of years, permitting the two Vietnams to achieve "a specifically Vietnamese solution" to the reunification problem.

Fall shied away from policy prescriptions for the most part and has emphasized his role as a chronicler and historian. His two principal works of military history, *Street Without Joy* and *Hell In a Small Place*, are memorable scholarly achievements and will be remembered long after the struggle for Indochina is finally resolved.

Mr. FINDLEY. Mr. Speaker, the recent tragic death of Bernard Fall was a great loss for our Nation. It was a loss not only in the sense that a brilliant and dedicated political scientist lost his life at the peak of his career, but in the sense that Bernard Fall was one of this country's most perceptive and penetrating writers on the Vietnam struggle. For almost 15 years he dedicated his life to making the remote struggle for freedom in Vietnam understandable to Americans whether they live in New York or Council Bluffs. His books including "Street Without Joy," "Hell Is a Small Place," "Two Vietnams," and "Vietnam Witness" were well-balanced treatments of the political, military, economic, and social confusion which have existed for over a quarter of a century in Vietnam. While I did not always agree with every one of Mr. Fall's observations and recommendations, I recognized that his work was a significant contribution to our knowledge of events now in progress in that corner of the world.

Bernard Fall was one of those men who felt his understanding of a situation was not complete unless he knew every facet of a problem from firsthand experience. Rather than conducting his research amidst dusty archives, compiling bibliographies, footnotes, and chapters from secondary sources, he went instead to the place of action. Not satisfied with the conclusions of others, he wanted to see for himself. In so doing he exposed himself to all the dangers of war, and for his daring he paid with his life.

Mr. KASTENMEIER. Mr. Speaker, I am deeply saddened by the tragic death of Bernard B. Fall. I was fortunate to know him personally, and as a person, I shall miss him. A man of enormous enthusiasm as well as a brilliant scholar, Bernard Fall was a recognized authority on Vietnam, having specialized for over a dozen years on southeast Asia.

Although born in Vienna, he spent most of his formative years in France. A member of the Marquis, he was awarded a medal by the French Government after the liberation. Living in the United States since 1951, Dr. Fall was a professor of international relations at Howard University.

Bernard Fall's books have been required reading for all Americans who are interested in this country's growing involvement in the Vietnamese war. He had accompanied the French Army in Indochina and was one of the few qualified Western observers to have traveled both in North and South Vietnam. He had a deep affection and respect for the long suffering Vietnamese people, the victims of an international quarrel not entirely of their own making.

Although his books and articles were frequently critical of American tactics and the American presence in Vietnam, Dr. Fall frequently lectured at the Pentagon and at the U.S. War College. In the world of the cold war, the big establishment and the powerful secret organizations, Bernard Fall was not the agent of anyone. He was always his own man.

Trying to explain the tangle of history in Vietnam was perhaps Bernard Fall's most important contribution to the current reader and the future historian. He took pride in the fact that his books were not based on research in libraries but on firsthand involvement and was one of the few westerners to have done field research in Vietnam's Communist zones. His writings stand as essential documents on Vietnam.

I am including reviews of several of Dr. Fall's books which are not only scholarly achievements but also important chronicles on the Vietnam stuggle.

[From the New York Times Book Review, June 4, 1961]

ENEMIES EVERYWHERE

"Street Without Joy": Indochina at War, 1946–54. Bernard B. Fall, 322 pages, Harrisburg, Pa.: The Stackpole Co., $4.95

(By Tillman Durdin)

For eight years, from 1946 to 1954, the Indochina war seared the tropical, rice-growing deltas, the jungle-fringed mountains and far-stretching plateaus of the former French colonial territories of Vietnam, Laos and Cambodia in one of the bitterest, bloodiest, most haphazard conflicts of modern times. In "Street Without Joy" Bernard Fall tells in graphic detail the story of this brutal war.

There were regions of intense combat in Indochina but never any real fronts. The hundreds of thousands of anti-French partisans of one side, led by Vietnamese insurgents in an independence struggle that became a Communist revolution, were everywhere. They were the individual bomb-throwing terrorists in Saigon, the hit-and-run guerrillas harassing the highways of Cochin-China and Tongking; they made up the well-armed battalions assaulting French defense lines. The 280,000 French Army, Foreign Legion and colonial troops of the other side were endlessly entangled in a futile cycle of protecting strategic areas while simultaneously flailing and lunging about with tanks, trucks and airplanes in never-successful attempts to catch and pin a feinting, elusive army of foot-soldiers in a set-piece battle.

The French side suffered 172,000 casualties (more than the United States in the Korean War). Communist-nationalist losses were even higher. The Communist-led Vietnamese, heedless of death, hurled their lean little bodies against torrents of lead and seemingly impregnable barriers of barbed wire and concrete. French-led contingents fought until killed in beau-geste forts and pitched mass battles. Prisoners in Vietnamese hands underwent incredible suffering and few lived to remember.

The whole hopeless struggle cost France billions in treasure, and to this the United States added a billion more in terms of supplies, transport and other assistance. It all ended with the needless French blunder of Dienbienphu, where a big, air-supplied French force, built up in a hill-rimmed valley deep in enemy territory, was overwhelmed after weeks of carnage by a bigger Vietnamese army using masses of new Russian and Chinese guns.

This book is no armchair study. French-born Mr. Fall, after World War II service as a Resistance fighter in France, spent 1953 in Indochina, often accompanying French units into combat while gathering material for a doctoral thesis. He has had access to French Army records in Paris; he visited Indochina in 1957 and 1959. Now married to an American girl, he is Associate Professor of International Relations at Howard University.

The vast panorama of the Indochina struggle emerges with graphic impact in his volume. He gives first-hand accounts of engagements—for example, of the little, isolated French fort in North Laos whose 300 defenders held out and died to a man under thirty-six days of Vietnamese mortar pounding and infantry assaults. He portrays the soldiers, the generals, the women, and he unfolds many little side episodes. (There is the story of the Jew who joined the Foreign Legion to find and kill, in Indochina, the Nazi Legion recruit who had liquidated his family and friends during World War II in Rumania.)

What makes Mr. Fall's book important today is his portrayal of the Indochina conflict as a major example of the new kind of warfare waged by revolutionary forces that enjoy the advantages of what he calls an "active sanctuary." The anti-French partisans in Indochina won because they had this "active sanctuary" in Communist China, from which they received a steadily increasing flow of supplies and to which they could send their troops for training and their wounded for recuperation. Americans who want to understand the in-fighting and the odds we would face if we got involved in a new Indochina war would do well to read Mr. Fall.

The author does not claim to have written a comprehensive history of the Indochina war, but even so he would have improved his presentation if he had given more treatment to the broad lines of the war's development and the related political events in the Indochina states. The debacle of Dienbienphu, for example, would have been portrayed more understandably if Mr. Fall had provided additional details on the immense Vietnamese Communist build-up of Russian and Chinese supplies and the fan-

tastic human chain of carriers, that transported these supplies for the Dien Bien Phu battle and the Communist drive into North Laos. A little more space might have been devoted to this sort of thing and a little less to describing battles.

Also, Mr. Fall might profitably have amplified his references to "Atlante," the big ill-advised French counterattack launched on the South Annam coast in 1954. Atlante drained off many French Union battalions and aircraft and large amounts of supplies for an operation of peripheral importance at a time when all these resources could have been better used in saving vital positions in Tongking. Atlante was just one of the instances of faulty strategy and leadership on the French side in Indochina.

One would wish, also, that Mr. Fall had told more of the Communist Vietnamese terrorist attacks in Saigon and other cities and expanded his comments on the affluent living, the war profiteering, the corruption that went on among the French and non-Communist Vietnamese in Saigon while men died in combat elsewhere in Indochina.

There are minor points however. Mr. Fall's book is a dramatic treatment of a historic event that most Americans know too little about. It is recommended reading particularly at this time of resurgent Communist aggression in Laos and Vietnam.

[From the New York Times Book Review, Nov. 17, 1963]

BACKGROUND FOR TODAY

"The Two Vietnams:" A Political and Military Analysis. By Bernard B. Fall. With maps and appendices, 493 pages, New York: Frederick A. Praeger, $7.95

(By Robert Trumbull)

Bernard B. Fall's earlier book on Vietnam, "Street Without Joy," has long been required reading for diplomats and correspondents in Saigon, although it was banned there by the Ngo Dinh Diem Government. His new volume, analyzing elements of the conflict in that unhappy Southeast Asian land, is of even greater stature and should be read by all Americans who are interested in this country's growing stake in the war with the Vietnamese Communists, an ugly jungle war that has already cost the lives of more than a hundred United States military personnel and will undoubtedly cost us a great deal more in blood and treasure before it is finished.

The downfall and death of President Ngo Dinh Diem does not by any means render Mr. Fall's second book on Vietnam out of date. On the contrary, the uncertain political situation following the recent *coup d'état* gives even greater relevancy to this expert recapitulation of the basic factors behind the headlines from Saigon, many of them unknown to the American public that is paying so heavily in money and lives to support the fight against Communists in a faraway tropical battleground.

It is one measure of Mr. Fall's expertise that, on the next to the last page of his book, he foresees the authoritarian Ngo Dinh Diem regime collapsing "of its own weight, more or less along Korean lines." He adds that in this event—the event that has now happened, remember—"the amount of American leverage that will remain in such a case will be . . . open to question."

Perhaps, he suggests, out of the turmoil there may emerge an obscure officer "who one day may step forward and claim for himself the power other contenders have failed to grasp. And that obscure officer," he adds with ominous pertinency, "may be anti-American."

So it is more important today than ever before that Americans subject the situation in Vietnam to cold reappraisal. In the past, Mr. Fall remarks, United States policies in Vietnam have included "probably one of the most confused chapters of recent American diplomatic history and one that, in spite of its importance, has thus far escaped the scrutiny of American political scientists."

According to the Fall version of events leading to the current mess in Vietnam, key elements in the political and military developments have utterly escaped such influential American observers as Walt W. Rostow, Senator Mike Mansfield and President Kennedy. In fact, Mr. Fall has little praise for any prominent Americans who figure in the book except George Kennan, whom he rates as unquestionably the keenest American diplomatic mind since Benjamin Franklin. He pins the President, for one, to the wall on outright ignorance of documented historical fact in Vietnam. The late President Franklin D. Roosevelt comes out even worse, nor do President Eisenhower and the late Secretary Dulles exactly shine.

This fat but readable book begins with the physical setting, and traces the history of the Vietnamese nation to its present divided state. Those who have read Mr. Fall's other work will follow with respect his analysis of how the French lost Indochina, how the Communists got North Vietnam and part of Laos, and how the Vietcong achieved their present position of challenge in the South. The path traced by Mr. Fall is strewn with the shreds of military and political reputations as he recalls, for example, such obvious miscalculations as the American efforts to build a conventional Vietnamese army to fight an unconventional war. The latter mistake, at least, has been under recitification.

A major dimension of the scope and value of the book is probably indicated best, by Mr. Fall himself in the following paragraph from his preface:

"An important part of this book—and I hope this will be its particular contribution to the body of knowledge about Viet-Nam—is devoted to a comparison of the governmental and economic institutions of both zones *not* as they have been designed on paper to impress their friends and fool their foes, but as they *really operate* in everyday practice. This may not please the most ardent advocates of either regime, but the time for semantic niceties—if there ever was such a time in Viet-Nam—is long past. The weaknesses and strengths of each zone of Viet-Nam deserves our most careful attention; for, at a time when American and other Western troops may be committed in one form or another to holding South Viet-Nam, what we *don't* know may most definitely hurt us."

Mr. Fall has been a close student of Vietnamese affairs for 10 years. Recently he visited North Vietnam, talked to Ho Chi Minh and toured significant portions of the Communist-held zone. His first-hand report shows economic and social conditions to be very bad indeed under Ho Chi Minh's rule, but conditions in the South do not get a very good balance sheet either. He notes, as other reporters have, the striking similarity in methods employed by the rival governments of Ho and Ngo—suppression of liberties, neighbor encouraged (or forced) to inform on neighbor, and even the imposition of foreign ideologies that seem to have a great deal in common under their different labels of Communism and Personalism, the latter supposedly anti-Communist.

The reader may have noted an inconsistency in the spelling of Vietnam, or Viet-Nam, as Mr. Fall has it. The author explains in a footnote that the hyphenated form, which is used officially in the country itself, seems more appropriate to the grammar of the native language. Both renderings can be found in different foreign publications, according to the style adopted by their respective editors.

"The Two Viet-Nams" contains the best biographies of Ho Chin Minh and Ngo Dinh Diem, and the clearest exposition of how the Vietcong operates, that this correspondent has seen. Mr. Fall, a professor of international relations at Howard University, is a highly regarded political and military analyst. He is also an excellent reporter. His occasionally controversial views—for instance, did the Americans let down the French in Indochina or vice versa?—will be left by this reviewer for comment by personages on both sides, still living, who were directly involved in the events.

[From Saturday Review, May 28, 1966]

THE TRAGIC COURSE IN VIETNAM

"Viet-Nam Witness 1953–66," by Bernard B. Fall (Praeger, 363 pp. $6.95), charges that high policy-makers, misreading the signposts, have followed an erroneous and tragic course in Southeast Asia. As CBS News chief correspondent in France from 1946–61, David Schoenbrun first met and interviewed Vietnam's President Ho Chi Minh in Paris in 1946 and during the next ten years closely followed the course of events in Indochina.

(By David Schoenbrun)

If the essential difference between tragedy and misfortune is the difference between the evitable and the inevitable, then the story of Vietnam is a tragedy, for, of all wars, the wars of Vietnam have been and are the most unnecessary, most evitable of struggles.

Vietnam is the land of lost opportunities and missed options, the victim not so much of lies, plots, and power politics—although all played and play a role there—but rather of error and of miscalculation. *Viet-Nam Witness*, by Professor Bernard B. Fall, of Howard University, America's leading authority on Vietnam, describes, documents, dissects, and diagnoses the tragic death of hope in Vietnam, from the birth of that hope in March 1946, when France recognized Ho Chi Minh's Democratic Republic of Vietnam, through the betrayal of hope in the war that broke out at the end of that year, on through the almost incredible, irrational, unbroken series of errors and defeat in the war and at the conference tables in Saigon, Hanoi, Geneva, Moscow, Washington, and Peking.

Viet-Nam Witness concentrates on the period from the winter of 1953 through the spring of 1966, but it also provides the reader with the necessary background events of 1945–53, the period that Fall calls the "First Indochina War," the French attempts to win back the colony of Indochina. The present struggle is called the "Second Indochina War." Fall insists, quite correctly, that the American intervention, although not colonial, grows out of the French war, involving many of the same participants, repeating many of the same errors. He cites historian Arthur Schlesinger, "referring precisely to the case of Vietnam," who stated that "error creates its own reality." And he further cites the able *Time* correspondent who became the Public Affairs Officer of the U.S. Embassy in Saigon, John Mecklin, author of *Mission in Torment* (Doubleday, 1965):

"The root of the problem was the fact that much of what the newsmen took to be lies was exactly what the Mission genuinely believed, and was reporting to Washington. Events were to prove that the Mission itself was unaware of how badly the war was going, operating in a world of illusion. Our feud with the newsmen was an angry symptom of bureaucratic sickness."

Errors, illusions, anger, and bureaucratic sickness have characterized the nature of the struggle in Vietnam all through the first and second Indochinese wars, and they still poison relations between observers and officials. Press and academic critics of the Administration are attacked, vilified, shadowed, impugned, not because their criticism is unfounded or inaccurate, not, as Professor Fall points out, "on the basis of an alternate set of facts," but simply because "they interfered with what was said to be 'policy.'"

Writing long before the recent revelation

of CIA penetration of Michigan State University projects and subsidy of MIT studies, Professor Fall sounded this warning: "When social-science research has reasons-of-state limitations placed upon its conclusions, it runs into heavy risks of losing its validity. . . . In the case of Vietnam, that situation was finally pushed to a tragic extreme in which practically all specialists dealing with the country were operating under contract either with the Saigon government or with one of the American aid programs. As a result, their often excellent work, by virtue of its quasi-official character, could be kept out of public circulation as a matter of administrative procedure and thus might have no effect in bringing about remedial action." As long as ten years ago, Fall points out, authorities were alerted to the "explosive relationship between Vietnamese lowlanders and mountain tribes" but "even the beginning of a beginning of an effective remedy has not yet been undertaken."

Fall is surely right to claim "with considerable pride" that he was the first to offer, as early as 1956, detailed descriptions of guerilla tactics, and, as early as 1957, evidence of the "resurgence of revolutionary war, based on direct field research. He also points out that American policy-makers failed to take any of this evidence into account until General Maxwell Taylor's arrival late in 1961. However, Professor Fall is on less solid ground in holding back some of his wealth of documentation: "Both charity and good taste persuade me not to recite here the long list of erroneous and wildly overoptimistic statements and timetables with regard to Vietnam that officials have provided the world for the past fifteen years." Yet this is surely not a time to invoke good taste, when a brave, long-suffering little nation is being destroyed by bitterly contending forces which, however noble each may believe its motives to be, have shown little consideration for good taste as a guide to action. Professor Fall can, however, be forgiven for his reticence in naming names of error-ridden officials, for he has offered the reader analyses with vast documentation that reveal the errors of current and recent policies in Vietnam.

One of the greatest values of this study is that it is a compilation of articles written by Fall over the past fifteen years, updated and commented upon in the light of developments, but not changed from the time of the writing. One can, therefore, see clearly just what data and opinions were available to policy-makers and how right the scholar was and how mistaken the decision-maker. As any student of this sorry affair knows, and as any lecturer has soon discovered, the American public finds it hard to accept the fact that its highest officials, all very able men, could possibly have been as wrong as the situation suggests. This gives rise to the doctine of demonology; there must have been subervision or conspiracy or something foul afoot, for things have gone so wrong. It is exceedingly difficult for the public to believe that a professor of political science like Dean Rusk, or a master administrator and computer-brain like Robert McNamara, or such brilliant, liberal leaders as John F. Kennedy, Lyndon Johnson, and Hubert Humphrey could have failed to see the signs made so many wrong decisions, or decided on major policies so far off the realities of the situation. Schlesinger's thesis that error makes a reality of its own is a subtle, sophisticated concept, hard to grasp. For public acceptance it must be supported by massive proof and finely reasoned argument by a master of the subject. Fortunately, Bernard Fall is such a master and does provide the finely reasoned arguments in his *Viet-Nam Witness*.

This study is divided into six parts. Part I, "France Loses Indochina," relates the background of the First Indochina War, documenting the defeat at Dien Bien Phu and its consequences, through the cease-fire and settlement at the Geneva Conference. In the opening six articles of part I, Fall shatters the Administration claim that the conflict is the result of Communist aggression from the North and not a civil war. The French, Fall demonstrates, transformed an essentially colonial war "into a civil war by setting up a Vietnamese government under their aegis in March 1949." He also notes that "at that point the war had become a part of the over-all Western policy of containment of Communism in Asia." The change in American policy of opposing the French colonial war came as a result of the Chinese Communist victory over Chiang in December 1949, and was hardened by the outbreak of the Korean War. The Chinese intervention in Korea completed the process of fixing the mold of American policy in Southeast Asia.

As far back as March 1954 Fall observed that "it is certainly not by sheer coincidence that General Donovan, wartime OSS chief, is now Ambassador in Thailand." The move had less to do with the freedom of the Vietnamese people, or the independence and integrity of that nation, than with a maneuver to maintain a strong base near China. Fall foresaw the future and felt that this was the wrong strategy. "Massive economic aid," he wrote, "might swing the balance and substitute for the total loss of Indochina in a creeping war the building up of a neutral régime. Such a régime would depend upon Western supplies to survive economically, for neither Red China, plagued by its own lack of consumer goods, nor the Soviet Union, already behind in its promised deliveries to North Korea, could possibly fill the immediate requirements of the ravaged country." He related such a policy proposal to similar and successful creations of neutral régimes on the fringes of a Communist power. "Any solution that accomplishes the effective neutralization of Indochina," asserted Fall, "would be more desirable than this hopeless stalemate in the jungle swamps." He concluded with these words: "A farsighted policy in Indochina, based on well-administered aid, might do more to stem the Communist tide in Southeast Asia than the sending of a few technicians or of a few additional planeloads of napalm."

During the interim we have sent far more than just a few technicians or planeloads of napalm. A quarter of a million men and hundreds of thousands of planeloads of bombs later, the same hopeless struggle in the swamps is being fought, with as little chance of success. Twelve years ago President Eisenhower wrote to President Ngo Dinh Diem offering economic aid but requiring social reforms as a counterpart. Our aid grew to be billions but the reform counterparts were never lived up to by the succeeding régimes in the South. At the Honolulu conference, more than a decade after the first Eisenhower offer, Johnson was still proposing more economic aid and getting no positive reply to his request for land reforms.

Dr. Fall describes in part II a trip through the North, recounts his interview with President Ho Chi Minh, and analyzes the nature of the Communist régime then and today. In part III Dr. Fall traces the history of South Vietnam, from the autocratic Diem régime and the religious problem in politics, through the various military insurrections. Part IV is one of the most fascinating and useful studies in the book: a documentation and analysis of the Vietcong and the National Liberation Front. Fall makes it clear that the Vietcong is no more the mercenary or servant of the North than Hanoi is of China. He thus demonstrates the fallacies in two of the more serious illusions and fantasies on which American policy is predicated. Fall quotes a high-ranking spokesman of the Front who told French reporter Georges Chaffard, of *Le Monde*, that the NLF had got along without the North for a long time, and would "prefer to settle our affairs among 'Southerners.'" "We have not," the NLF spokesman added, "fought all these years simply to end up by installing a new set of dictators in place of the old."

In part V, Professor Fall concentrates on American involvement. It is a tragic story of good intentions paving a road to hell; of small, step-by-step decisions adding up to huge unforeseen stakes and nontreaty commitments. Fall substantiates the truth of Ambassador George Kennan's shrewd perception of a peculiarly American syndrome: unlimited optimism about our adopted protégés. He cites Major General Edward Landsdale on American attempts "at engineering a great patriotic cause led by some universally loved Vietnamese of American selection." As Landsdale remarked, it was a "type of puerile romance [that] should not be attempted in real life." But, concluded Fall, "this was precisely what was done."

The book's last section presents the terrifying statistics of what Fall calls "The Impersonal War." He gives us the whole tragic story of lost opportunities, of suppressed facts about peace negotiations and peace hopes, and "those thresholds on the road to the no-return point in the Vietnam War. . . . It is now clear, from the record," states Fall, "that this is what the Secretary General of the U.N. had in mind when he told a press conference on February 24 [1965] that 'the great American people, if only they knew the true facts and the background to the developments in South Vietnam,' would view the conflict in a different light."

This reporter and observer, could not agree more whole-heartedly, and more sadly with that judgment. It must be sad for all Americans, proud of our traditions of a free press, one of the greatest press corps in the world, to hear the highest official of the World Organization charge that the American people do not know the true facts and the background of developments in South Vietnam. How did this happen? What are these true facts and background, and where can the people get them?

Most of the answers to these anguished questions can be found in the excellent essays and studies of a few men, among whom Bernard Fall, a Frenchman born and bred, but an American by college education and training, is one of the most eminent. His treatment of the record is comprehensive, accurate and coherent. *Viet-Nam Witness* is an excellent companion piece to Fall's earlier, admirable *The Two Viet-Nams*.

In a recent talk that we had, the author told me that the Defense Department has been calling him in for a series of lectures and seminar discussions on Vietnam. That is truly good news. If officials have failed to read him in the past, maybe now that they are listening to him in person there is a chance that he, and those of us who believe as he does in the urgent need to end the war and bring about a Vietnamese solution to the war in Vietnam, will be heeded.

[From the New York Times, Feb. 6, 1967]

BOOKS OF THE TIMES: DEATH-RATTLE

(By Eliot Fremont-Smith)

"Hell in a Very Small Place": The Siege of Dienbienphu. By Bernard B. Fall. 515 pages, Lippincott, $8.95

Dienbienphu—or, in English, "Seat of the Border County Prefecture"—is a village in the northwestern corner of North Vietnam. It is situated in a jungle-surrounded 10-mile-long highland valley, through which meanders a small river. The valley, which contained a small airstrip, had been occupied by the Japanese in World War II, then briefly by Chinese Nationalist forces. In 1953 it was deep in Vietminh territory—the

territory of French Indochina controlled by Ho Chi Minh's Communist-oriented Vietnam nationalists.

On Nov. 20, 1953, French paratroopers landed at Dienbienphu, took control of the village and the airstrip and set about establishing a fortress. The operation went under the code name, Castor. Its purposes were several. Primarily, it was to tie up and eventually force to conventional battle a major portion of Vietminh forces which, under Gen. Vo Nguyen Giap's guerrilla strategy, were gradually winning the war for Indochina.

Secondly, Castor was to prevent a successful Vietminh invasion of neighboring Laos. The third purpose, which became increasingly important as the months wore on, was to give the French a better bargaining position at the forthcoming Geneva conference on Indochina, scheduled to convene in May 1954.

As Bernard B. Fall tells it in this exhaustive account, the battle of Dienbienphu consisted of three subbattles, all of which the French lost. The first was the battle for control of the edges of the valley and the hills that surrounded it. This was probably lost by the end of December 1953, anyway by February 1954. The second was the attempt of French Union aircraft—75 planes in all—to inderdict the several hundred miles long Vietminh supply route to Dienbienphu. The third was the siege itself, lasting from March 13, 1954, when the bombardment began in earnest, to May 7, when the surviving defenders, pinned down to an area the size of a baseball field, were at last overrun.

A CLASSIC BLUNDER

Dienbienphu has gone down as a classic military blunder. Mr. Fall, a French-born political scientist based in the United States who has become one of the major authorities on the Vietnam conflict and, for this account, was given exclusive access to secret French documents, attempts in several ways to modify this view. The result is a curiously ambiguous book.

For instance, he puts much of the blame for the catastrophe on America's failure to come into the war by saturation bombing of Vietminh positions surrounding the valley. Much is made of Lyndon B. Johnson's role in this. As the Senate majority leader, he put the kibosh on Secretary of State John Foster Dulles' go-it-alone policy for military intervention, possibly with A-bombs, in Indochina. Yet Mr. Fall also emphasizes the lesson that should have already been learned in Korea (and which, he notes, we have still not accepted), that saturation bombing has minimum logistical effect over undeveloped areas.

It is true that the United States encouraged and supplied the French, and that two myopic American generals, visiting Dienbienphu in January and February, 1954, blandly approved the pathetic fortifications they saw there (as did all sorts of top-rank French visitors); but this hardly puts the major responsibility for Operation Castor on American shoulders.

RHETORIC OF BRAVERY

As for French responsibility, Mr. Fall mutes it in two ways. First, he tries to set the record straight in the continuing feud between Gen. Henri Navarre, the over-all commander of French Union forces in Indochina in 1953–54 with headquarters in Saigon, and Gen. René Cogny, commander of French forces in North Vietnam, then operating out of reoccupied Hanoi.

Dienbienphu was General Navarre's idea; General Cogny opposed the plan, but then took responsibility for carrying it out.

Both relied heavily on the rhetoric of bravery and patriotic glory—an affliction which has been particularly acute in the French military establishment but which no country is without. But then, so does Mr. Fall. He shows where each general is not as much to blame relatively as the other maintains (thus correcting Jules Roy's "The Battle of Dienbienphu," published here in 1965, which sided with General Cogny's interpretation of events), as if by doing so the errors of both could be made somehow less grotesque.

Finally, the whole incredible enterprise is seen through the fog of glory Mr. Fall allows to permeate his book—as if Dienbienphu could be justified at last (as the generals attempted to justify it virtually from the beginning) by the heroism shown there and the notion that heroism should be its own reward. But the heroism of the beleaguered garrison at Dienbienphu was born of desperation; its reward was betrayal, defeat and death. Mr. Fall is proud to point out that the defenders never capitulated; it is a pride that here suggests itself as the other face of barbarism.

The evidence in this book shows that Operation Castor never had a chance. The defenders were outgunned by the Vietminh from the beginning.

Against the defenders, General Giap mounted a force of nearly 50,000 combat troops (with some 30,000 reserves) and enough artillery and ammunition (most of the weaponry, on both sides, was of American manufacture) to pound the valley to pieces. As French intelligence could have predicted—Mr. Fall emphasizes that the French knew all about the build-up—this was precisely what the Vietminh proceeded to do. Dienbienphu was the death-rattle of French colonialism in Indochina. Mr. Fall's murmurings to the contrary notwithstanding, it is hard to see how it could have been anything else.

Mr. O'HARA of Illinois. Mr. Speaker, Bernard Fall was born in Vienna amid the confusion of interwar Europe and he died 40 years later in a Vietnamese swamp. The interim years were devoted to finding and disseminating the truth as he saw it, regardless of the prevailing popular view, about the events transpiring in southeast Asia.

Bernard Fall carried more than his French passport, he carried a visa to inspect, probe, penetrate, question, and delve into every fact and nunance of information until he could assemble the fragments and threads into the fabric that is history. An inquiring, analytical mind coupled with almost total recall produced the reasoned descriptions which became required reading for every student of the explosive situation in that far corner of the world called Vietnam.

It is a tribute to Bernard Fall that his critics read his reports as avidly as did his disciples.

For the loss suffered them by a Vietcong mine, our condolences go to his wife and three children. The marines with whom he traveled, the men of the First Cavalry about whom he wrote, his friends, associates and students at Howard University, the Asian specialists and Congressmen to whom he gave his counsel, and every American that read his words telling the story of Vietnam will miss him also.

Bernard Fall fought one war against tyranny in France as a member of the underground; his second war was fought with a journalist's pen and in each of those battles he conducted himself like a true soldier.

Mr. WHALLEY. Mr. Speaker, I want to join my colleagues in paying tribute to the late Dr. Bernard Fall, professor of international relations at Howard University, who had met a tragic death on February 20 while in Vietnam.

The loss we sustain in the untimely passing of this distinguished gentleman is emphasized by the respect and admiration he has received from the Members of this great body.

I particularly remember his testimony before the Subcommittee on Far East and Pacific of the House Foreign Affairs Committee on March 16, 1965 and was very much impressed with his presentation expressing his views during testimony on the Sino-Soviet dispute.

In life, he was recognized as an outstanding leader in his particular field. In death, he is remembered with the greatest respect by many people as a man of principle and a most competent statesman.

Mr. BRADEMAS. Mr. Speaker, I wish to join with my colleagues in an expression of deep respect for Bernard B. Fall, who was killed on February 21 by a land mine while on patrol with the U.S. Marines near Hue, South Vietnam.

While I did not know Dr. Fall well, I admired him as a man of powerful intellect and great courage. Both qualities ran consistently through his written books on the tortured history of Vietnam, on which he was an authority without peer.

His loss deprives the academic world of an outstanding scholar, our country of one of the keenest analysts of the war in Vietnam, and men of verve and honesty everywhere of a kindred spirit.

I ask that the perceptive Washington Post editorial on Dr. Fall's death be included in the RECORD at this point.

[From the Washington Post, Feb. 22, 1967]

BERNARD B. FALL

The qualities that endeared Professor Bernard B. Fall to his admirers and most exasperated his antagonists in the Vietnam debate were brutal candor and uncompromising intellectual integrity. There were no platitudinous ifs, ands or buts in what Fall wrote and said that could leave any doubt as to where he stood, or that might make it possible to engage him in polite but indeterminate sparring. He argued his case angrily, brilliantly, brashly and with a missionary's passionate conviction. He was a relentless gadfly who deserves much of the credit for stirring up a meaningful democratic discussion of the Vietnam issue.

Whether or not one agreed with him, and this newspaper often did not, Fall earned increasing respect over the years as a well-informed critic of policy in Vietnam and as a distinguished advocate of a "political" approach to ending the war. Confronted with the question, "What would *you* do?", Fall answered that he would encourage the Saigon government to make its own peace with the Vietcong by treating it as an indigenous southern political force. Whether or not it is "northern-controlled" at present, he contended, it has powerful southern regionalist elements within it; and these could be induced to join a coalition regime in Saigon irrespective of Hanoi's wishes or discipline. In this way, he suggested, the existence of a separate South Vietnam might be assured for a number of years, permitting the two Vietnams to achieve "a specifically Vietnamese solution" to the reunification problem.

Fall shied away from policy prescriptions for the most part and has emphasized his role as a chronicler and historian. His two principal works of military history, *Street*

Without Joy and *Hell In a Small Place*, are memorable scholarly achievements and will be remembered long after the struggle for Indochina is finally resolved.

Mr. LEGGETT. Mr. Speaker, Bernard Fall, activist, strategist, and scholar was a blunt and brillant contemporary historian.

His early involvement with the Vietnamese, dating back to the French phase of the fighting, his language versatility and his profound scholarship provided unique insights into the conflict in Vietnam. He interpreted the complexities of that ceaseless conflict, complexities which were challenging rather than confusing to him.

I am impressed with the depth and extent of his work. Professor Fall was a firsthand observer. His conclusions were not academic abstractions but the result of personal observations, hard research and a humanitarian point of view. He recognized political as well as military entities and at the time of his death was preparing a book on the psychology of the Vietnamese.

Bernard Fall was a brave man who assumed the physical stress of travel and the dangers of combat involvement. He possessed the constructive character of a civilized man and the manner of his death lends a special poignancy to his vital and constructive life.

I do not believe that his death was in vain though he held no real brief for either of the parties to the conflict.

Mr. BROWN of California. Mr. Speaker, I want to add my voice to the remarks of my colleagues here today and to express my personal dismay concerning the death of Dr. Bernard B. Fall.

Because of my deep conviction that our policies in Vietnam were in error, I sought out Dr. Fall in order to better acquaint myself with the background information which I felt he could provide.

Needless to say, I found him to be extremely knowledgeable, and I was also quite impressed by his enthusiasm and his willingness to be as helpful as possible.

I consider Dr. Fall's death to be one of the great tragedies of this war. The contributions which he would have undoubtedly made as a scholar and historian without peers in the Indochinese area are lost to us now. Nevertheless, I am grateful for the fine legacy he has left in his works to date.

Bernard Fall has now become a part of the history which he was so involved in studying, evaluating, and writing about.

At this point, I would like to insert a review of Dr. Fall's latest book, "Hell in a Very Small Place: The Siege of Dien Bien Phu," written by Mr. David Schoenbrun, and appearing in the Saturday Review, February 18, 1967:

THE FALL OF THE FRENCH EMPIRE IN INDOCHINA: A BATTLE THAT ENDED ONE WAR AND STARTED ANOTHER

(By David Schoenbrun)

I have often read a splendid book and thought, as so many writers do, "God, I would have loved to have written this." But when I sat down to read Bernard Fall's latest work on Vietnam, *Hell in a Very Small Place: The Siege of Dien Bien Phu* (Lippincott, $8.95), I was startled to discover that it was a book that I had been asked to write and had turned down. I could not indulge in any personal fantasy as I read Professor Fall's exciting narrative and masterful analysis of the Battle of Dien Bien Phu, for he had done what I had earlier conceded to be beyond my own capacities. How wise I was to have been modest, for Fall alone could have produced this dramatic, authoritative reconstruction of one of the great battles of history.

The idea of having a complete study of the battle that ended the French-Indochina war was originally conceived by America's eminent journalist-historian of military affairs, Hanson Baldwin of *The New York Times*, who had taken on the assignment of editor, for Lippincott, of a series on the great battles of history. Baldwin talked to me about doing the Battle of Dien Bien Phu after he had read my comments on it in *As France Goes*. In covering that battle through the spring of 1954 I had become convinced that I was watching more than just a localized sector, involving a relatively small force of some 15,000 French inside the garrison and some 45,000 siege troops. It was, I felt, even more than a battle between a colonial army and a national, Communist-led revolutionary force. Dien Bien Phu was the site of the first pitched battle between an Asian nationalist army of yellow men once-despised as inferior against the élite, modern, white armies of the long-dominant Western powers.

A victory by the Vietnamese over the French would be a far greater accomplishment psychologically than all the triumphs of the Japanese in the Forties, for Japan had long been an independent nation, one of the leading industrial powers of the world. And the Japanese, like the white men they imitated so painstakingly, were imperialists in Asia, not the representatives of a subject people fighting for freedom against a colonial oppresssor. At Dien Bien Phu the Vietnamese thus won an enormous victory, not only for the Communists, but for all Asians. I saw this clearly when I witnessed the pride in the faces of the most anti-Communist Vietnamese as they read of the achievement of their blood brothers at Dien Bien Phu.

Hanson Baldwin had come to the same conclusion about the historic significance of that battle which, having broken the will of the French to fight on, led to their rapid withdrawal and America's stumbling into the Vietnamese trap. But when he asked me to write the full story of what had happened I told him I was convinced that only a historian who could examine the archives of the French government and have reasonable access to North Vietnam would be able to obtain the necessary official documents and interview the principal actors in the drama. I knew that no American would be able to do the job. It was my guess that only Frenchmen like Jean Lartéguy, Jules Roy, or Paul Mus could accomplish it.

Lartéguy did do the job, but in the form of novels. Paul Mus has written many brilliant essays and books on Indochina, but not on the Battle of Dien Bien Phu. Jules Roy, until now, has been the author of the pioneering work on the subject, his excellent *Dien Bien Phu*, a history written with the special talents of a novelist and a playwright. Now, I believe, the definitive work, one destined to be a classic, has been produced by Bernard Fall, who in his impressive earlier studies—*The Two Viet-Nams, Vietnam Witness*, etc.—had already won a leading position among authorities on Vietnam in American universities. Although he is French, most of Professor Fall's work has been done here, notably at Howard University. His proximity to Washington, his access to American observers and to some U.S. official records as well as to French archives, his relative freedom to travel, his contacts in North Vietnam, which he has visited, have all been invaluable, almost unique tools at the service of his scholarship.

However, in the passages describing the battle as the Communist ring tightened around the gallant but hopelessly trapped French garrison, Fall the scholar rises to the heights of a dramatic writer, in some of the best prose he has ever offered to his readers. He has even managed to obtain transcripts of the last radio conversations between the besieged garrison commander, Colonel de Castries, and the zone commander in Hanoi, General Cogny.

It was shortly before the end and de Castries had to deal with the fate of the wounded, the service troops unused to jungle warfare, and the "Rats of the Nam Yum"—all who would have to be left behind if de Castries were to try a then-contemplated break-out. He did not know at the moment of this conversation that he would not be able to break out.

"Well, then, *Mon Dieu*, I'll keep here, well—those units which don't want any part of it."

"That's it, yes."

"Then—well, how shall I put it, [there are] the wounded, of course; but many of them are already in the hands of the enemy. . . ."

"Of course. Yes."

"*N'est-ce pas?* And then, I'll keep all that under my command."

"*Qui*, old boy."

"That's it then."

"*Au revoir*, old boy."

"I'll still be able to telephone you again before [there was a moment of hesitation and faltering in de Castrie's voice]—before the end.

"Come, come—*au revoir*, Castries, old boy."

"*Au revoir*, General."

"*Au revoir*, old boy."

De Castries sent out reconnaissance patrols and discovered that the Viets had built three new trenches, sealing off the last open stretch of terrain south of the encampment. Any break-out attempt would have ended in a slaughter. He radioed back the bad news to Cogny. Headquarters knew it was all over. They did not want to order de Castries to a final butchery of his men but they did not want him to surrender. They called de Castries on the secret Z.13 ultrashortwave transmitter for final instructions.

(General Cogny) "Tell me, old boy, this has to be finished now, of course, but not in the form of a capitulation. That is forbidden to us. There can be no hoisting of the white flag, the fire has to die of its own, but do not capitulate. That would mess up all that you have done that is magnificent until now."

"All right, General, I only wanted to preserve the wounded."

"Yes; however, I do have a piece of paper. I haven't got the right to authorize you to capitulate. Well do as best as you can—but this must not end by a white flag. What you have done is too fine for that. You understand, old boy?" . . .

"I'm blowing up all the installations. The ammunition depots are already exploding. *Au revoir*."

"Well, then, *au revoir*, old boy."

A giant of a man, with the body of a pro-football fullback, General Cogny, veteran of many campaigns around the world, kept his voice steady, his familiar "old boy" casual, but those of us in the dugout in Hanoi saw tears flow with the sweat running down his face. I stood in the corner, trying to make myself invisible as I watched the old-line, aristocratic, icy French officers fighting to keep self-control as they stared at the radio set, now crackling with static—and at the Communist troops crashing into the command-trench of Dien Bien Phu, the first of a shock-wave that would flood and sink the French empire and end forever white, Western domination of an Asian nation.

That is what many of us thought that day, not only those of us in Hanoi, but the many thoughtful observers in Washington, London,

and Paris who from their own vantage points watched the death throes of the French empire and the fumbling, faltering, finally abandoned American attempts to meet the challenge. The most important pages of Bernard Fall's detailed, colorful account of that turning-point battle tell the story of the Dulles-Eisenhower reactions to the challenge, a story so pertinent to what is happening today that it deserves to be extracted from the massive, 515-page book and published separately in magazine or brochure form. It ought to be required reading for every American citizen.

Fall notes gently, perhaps too gently, that American officials even now will not cooperate with scholars studying the Indochinese war. "Precisely because the political by-play which took place in those tragic days of spring 1954 still has relevance today for the United States, it is difficult to obtain from American official sources a coherent picture of what exactly went on." Fall, however, was able to reconstruct the whole sorry story from British and French official sources, from the memoirs of Anthony Eden, those of the then French Prime Minister Joseph Laniel, and, to some extent, from the Eisenhower memoirs, as well as from "certain press articles whose correctness was not denied by the late Secretary of State John Foster Dulles." Fall observes that in U.S. foreign policy the fates of Korea and Indochina were linked from the date of the outbreak of the Korean War in June 1950 to the end of the Truman Administration in January 1953.

It was the American concept that "none of the Western powers engaged in military operations against a Communist aggressor would negotiate a separate cease-fire since the immediate results would be an increased burden upon the others' theaters of operations." Thus the French, Professor Fall points out, broke off negotiations with the Viet Minh, while the United States, in return, began to assume an ever-increasing part of the financial burden of the Indochina war. However, this relationship was unilaterally broken by the U.S. when the Administration of President Eisenhower "felt it important to honor its commitment to the American electorate to settle the Korean stalemate . . ." Professor Fall was in Hanoi when America signed the armistice with the Chinese in the summer of 1953, and he writes that he personally witnessed "the increased weight of new matériel for the Communists and of Chinese instructors for the Viet-Minh forces [that] made itself readily felt immediately after the Korean cease-fire." Eisenhower later admitted in his memoirs that our settlement in Korea gave the Chinese a chance to pour new supplies into the Vietnamese theater of war. This is only one of many reasons why the French feel no commitment to help us now in Vietnam. Suez is another reason. But the one most pertinent today is the memory of America's refusal to send planes to break the Communist seige ring around Dien Bien Phu.

Admiral Radford, chairman of the Joint Chiefs of Staff and the fiercest hawk of his day, was ready to intervene and promised France's General Paul Ely that he would propose a raid on the current Communist artillery positions, Chinese mortars overlooking the Dien Bien Phu encampment. Radford used a new expression; he called the proposed action a "matching escalation." Dulles bought the idea, and on April 3, 1954, he called a secret meeting at the State Department with eight senior legislators, including Minority Leader Lyndon B. Johnson, Senators Richard B. Russell, Earle C. Clements, William F. Knowland, and Eugene Millikin, and Representatives Joseph Martin, Jr., John W. McCormack, and J. Percy Priest. He told them that Eisenhower had asked him to call the meeting to put to them a proposal for a joint resolution of Congress authorizing use of air and naval power in Indochina. As Fall puts it, "in other words, a resolution granting him a far more restricted freedom of maneuver than that which President Lyndon B. Johnson was given in August, 1964."

Minority Leader Johnson insisted upon knowing whether any other allied nations had been queried about their willingness to join the United States in intervening in Vietnam. Dulles admitted there had been no such inquiry. Johnson said he would not consider any intervention unless there were a coalition of the other free nations of Southeast Asia and the British Commonwealth. All eight legislators agreed that America must not act unilaterally. "That, for all practical purposes," Fall comments, "killed all chances of rescuing Dien Bien Phu." Dulles's subsequent efforts seemed to some to have been an attempt to shift the blame to the British.

Fall argues that the decision not to intervene was basically an American decision and not just the result of England's refusal to come along. We did not consult anyone when we went into Korea, or out of Korea. The call for a coalition looked like a subterfuge to hide America's reluctance to get involved. Leading military men, such as Generals Matthew Ridgway and James M. Gavin, were strongly opposed to any intervention. Chairman Arthur B. Radford was in the minority in the Joint Chiefs of Staff. Defense Secretary Charles Wilson backed Ridgway and Gavin, "and for once, President Eisenhower stood his ground against Dulles." Fall strikes a bitterly ironic note when he cites a Dulles memo to French Foreign Minister Georges Bidault written on April 24, 1954, which "makes interesting reading in 1966: 'An act of war can only be effected with authorization of Congress.'" That was the final decision that condemned Dien Bien Phu. Two weeks later the Vietnamese forces overran the garrison. The Geneva Conference, then in session, could no longer negotiate; it could only prepare the French withdrawal. It was all over.

Fall believes that American policy had been uncertain all through the war. At first we regarded it with distaste as a colonial war; then, when the Chinese Communists drove out Chiang and extended their territorial sweep down to the Indochinese border, we suddenly "discovered" that the French were fighting for Western civilization against the Communists. We did not put enough pressure on France to grant genuine independence to a South Vietnamese group that might have tried to compete with the Communists in the fight for national independence. We therefore were supporting the French colonial war in the name of anti-Communism. We then refused to help them in their hour of most dire need at Dien Bien Phu and blamed it on the British (some Americans were so blind as to call Prime Minister Winston Churchill an appeaser). Fall remarks that President Lyndon B. Johnson forgot all the advice of Minority Leader Johnson against unilateral intervention when, in August 1964, he "committed the United States to an open-ended defense of South Vietnam and Thailand (and perhaps the rest of Southeast Asia), regardless of the policies or attitudes of other allies."

Fall writes that "there can be no doubt but that Dien Bien Phu, far from being a purely French defeat, became an *American* defeat as well. That is why the magic name of Dien Bien Phu is conjured up whenever North Vietnam is exhorted by its leaders to stand fast under the deluge of American bombs that rain down on the country. And it is Dien Bien Phu (along with Suez) which comes to the mind of French military commanders and politicians when General de Gaulle avers that, in a crisis not involving her directly, the United States cannot be counted upon with full certitude. From 1965 onward, the United States was willing to go to war for the sake of preserving what her President calls her 'national honor.' In 1964, one hundred airplanes could not be found to save 15,000 French troops at Dien Bien Phu."

Bernard Fall does not tell us whether he thinks we should have intervened to save Dien Bien Phu. He does not say whether Dien Bien Phu could have been saved by U.S. air intervention. Many competent French and British historians believe that intervention in the spring of 1954 would have come too late. If America had felt that it was vital to hold the line against the Communists in Vietnam, its leaders should have acted much earlier and most particularly after the peace settlement with China in Korea sealed the fate of Vietnam. It is a great pity that at the very end of a brilliant, dramatic, lucidly told story, the writer bows out and leaves these questions to be answered by "future historians."

Future historians will nonetheless be using Fall's book as their main source material. He has done them and us, his contemporaries, a very great service. His book also offers everyone, historian or not, a thrilling story of man's gallantry and folly.

Mr. BINGHAM. Mr. Speaker, I wish to join with my colleagues who are this day expressing their grief at the tragic death of Bernard Fall.

During 1965 and 1966, I was privileged to read a number of Dr. Fall's writings and to talk with him on more than one occasion. Last fall, before leaving on a trip to Vietnam, my wife and I spent a delightful and stimulating evening with Dr. and Mrs. Fall at their home in Washington.

No one knew more of the history and background of the present conflict in Vietnam than Bernard Fall. He wrote and spoke fearlessly on the subject and made not only telling criticisms of U.S. policy but also constructive suggestions for a peaceful solution.

It is ironic in the extreme that such a man should have lost his life as the result of the very conflict he was trying so hard to bring to an end. To Dr. Fall's widow and children, I want to express my profound sympathy.

Mr. FRASER. Mr. Speaker, no man in the Western World had a more detailed knowledge of Vietnam than Bernard Fall. He combined scholarly wisdom with the facility of sharing his wisdom through the written word.

On several occasions I had the privilege to meet with Mr. Fall to discuss the war in Vietnam. At each meeting I was impressed with his encyclopedic knowledge of the country, its people, and the history of its wars. My own attitudes toward the war were influenced, I am sure, by the clear thinking and clear writing of this man.

One publication that printed Mr. Fall's reports on the war was the New Republic. In its latest issue, the magazine carried the following account of his death:

Bernard Fall, killed last week by a land mine explosion while with U.S. Marines north of Hue, began writing on Vietnam for the New Republic in 1961. No one better understood that war or exposed more clearly or as early the dangers of the deepening American military involvement. Vietnam was an agony to him. He had lived with it wherever he was every day for more than a decade. He was careless of his own survival; he had had a series of painful operations over the past several years. For this, his sixth visit, he had prepared him-

self by learning Vietnamese; fluent French was not enough. He had taken leave of absence for a year from Howard University, where he was professor of international relations, and settled his wife and three children in Hong Kong so they could be closer to him. He read everything on Vietnam—the dry reports, the speeches, the news accounts. His knowledge and viewpoint were available to anyone who called. He had written numerous books—*The Viet-Minh Regime, Street Without Joy, Indochina 1946–62, The Two Vietnams, Ordeal At Dienbienphu,* and *Hell in a Very Small Place.* He risked and lost his life because he could not long be content with secondhand reports.

BOOZERS AND TEETOTALERS AND NONPROLIFERATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, Americans have a tendency to believe that once an international treaty is negotiated on such subjects as war, aggression, disarmament, or arms control, thereafter everybody can relax. Why this should be is somewhat inexplicable after such dismal experiences as the Treaty of Versailles, the Kellogg-Briand pact, the pre-World War II Soviet nonaggression pacts with Finland, Germany, and others, the Treaties of Yalta and Potsdam, and many similar tragic disappointments. Perhaps treaties get broken because national states are inherently incapable of keeping their promises. Or because, in the first place, the promises are made with no intention of being kept, but only for the purpose of euchring a calculated advantage over less sophisticated or more naive signatories. Stalin is reputed once to have claimed:

> Sincere diplomacy is no more possible than dry water or wooden iron.

Recently a member of the West German Bundestag, Felix von Eckardt, said of the nonproliferation treaty now under negotiation at Geneva:

> Nonproliferation is like a club of notorious boozers who demand a written agreement from teetotalers that they never take alcohol and won't even touch a drop when a glass is offered them. And then after the pact is signed, these drinkers not only sit together and booze it up again, but also throw the empty bottles at the teetotalers.

Another possible reason for the failure of treaties is that negotiators fail to anticipate and provide for many possibilities of changes in events and technology which make treaty promise keeping improvident or ridiculous or impossible. Yesterday I spoke of the possible development of a gas centrifuge process which might bring widespread access to fissionable U^{235} onto the scene and thereby ease the path for a country toying with the notion of going nuclear. The treaty negotiators at Geneva are not taking into account this development in technology. Unless they do so, a pact will result which cries even louder to be broken than many anticipate. There is another possible advance in technology posing additional proliferation incentives and treaty-breaching inducements dwarfing even those threatened by the centrifuge. It is the probability of someone inventing an all fusion weapon—a pure hydrogen bomb. Today's H-bombs require the great heat and energy from a plutonium or enriched uranium "trigger" bomb to start the thermonuclear process of hydrogen fusion. H-bomb yields are in the megaton ranges while A-bomb yields are largely in the kiloton ranges. The comparisons are yields equivalent to the explosive power of millions of tons of TNT rather than thousands of tons. If a nonatomic means to initiate hydrogen fusion can be found, the entire plutonium enriched uranium requirement can be skipped. The world's vast supply of hydrogen will become available for unlimited manufacture of a truly "poor man's" H-bomb. It will be as easy to make them in secret as it is with public knowledge. Recent demonstration of the capability of lasers to focus great energy on a given point at a precise time is a case in point. In their present stage of development these devices are powerless to trigger hydrogen fusion. But future developments powerful enough to the purpose, utilizing lasers or some other exotic technique for energy storage and quick, massive release, cannot be ruled out.

From both practical and technical standpoints, the nuclear genie is out of the bottle. Efforts—like the nonproliferation treaty negotiations—to ram it back in seem increasingly futile. Since all indications are that there will be nuclear spread whether or not such a treaty is negotiated and signed, perhaps we are addressing ourselves to the wrong problem. Instead of romantically engaging upon high-flown treaty negotiations, we should be devoting our time practically to assessing the nature of a world with an inevitable degree of nuclear spread and determining realistic means to prevent undue peril from resulting.

ONE HUNDRED YEARS OF NEBRASKA STATEHOOD

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. CUNNINGHAM] is recognized for 30 minutes.

Mr. CUNNINGHAM. Mr. Speaker, for more than a century the great State of Nebraska, which I proudly represent, has been the gateway to the Golden West. For those hundreds of thousands who took seriously the admonition to "Go west," Nebraska was the high road to the fabled lands that beckoned the rugged pioneers that built this great Nation of ours.

Nebraska contrasts the old and the new, the past and the present, the broad and the beautiful. Rolling river lands of the east strentch into the fertile sand hills of the west. These great grasslands, in turn, twist into the rugged buttes and hills, the prelude to things to come as the prairies rise to meet the Rockies. Men and women of courage and stamina carved a great State where once there was only untamed land.

One hundred years ago today, Nebraska was officially proclaimed the 37th State of the Union by President Andrew Johnson. But statehood had not come easy. For over 20 years the people of Nebraska fought for the right to join the Union and to draft a suitable code of laws. Once the victory and statehood had been won "Equality Before the Law" was adopted as the motto of the State, and utilized on the great seal of Nebraska.

Nebraska was a tough land, 100 years ago. Nature was often unkind, and the Indians were not particularly willing to give up their lands to the white man. Only the sturdiest, hardiest, breed of men and women were capable of wresting a successful livelihood from the land. When settlers first arrived in Nebraska, they lived in houses made of sod. Very little lumber grew naturally on the plains, and transportation facilities were not developed to facilitate bringing lumber in from the East, so the Nebraskan settlers developed a capacity for hard work and endurance, qualities that still prevail in Nebraskans, and are reflected in the ever-increasing progress of our State.

We are truly a pioneer State. Never afraid to pioneer a new concept, Nebraska was the first, and still the only State to adopt the unicameral system for the State legislature. Although the unicameral system has been declared superior to the bicameral system by some of the best political science scholars in the land, no other State has had the courage to overcome the force of inertia which tends to keep them moving in the same organizational direction that was suitable for the early years of State development.

Nebraska has pioneered not only in State government organization, but in the architectural concept to house its State government. Nebraska was the first to break with tradition and choose an ultramodern style for our State capitol. Uniquely designed for Nebraska, the building is distinguished by four symmetrical entrances, open to north, south, east, and west, symbolizing Nebraska's centrally located position among the States. The building is centered by a tower rising high to the sky and visible for miles over the Great Plains.

Because Nebraska is so centrally located, serious consideration was, at one time, given to the proposal to move the capital of the United States to a site near Lincoln. In fact, in 1920, a convention met in St. Louis to discuss the proposal. Another strong factor in favor of the move, was the location of salt mines in Lancaster County. Salt was, at that time, such a valuable mineral that it was deemed prudent to locate the Nation's Capital near the quarries. Salt has since declined in value, and modern means of transportation have eliminated much of the time distance between Washington, D.C., and the rest of our country, so the likelihood of such a move has faded from a popular topic of conversation into the reveries of oldtime Nebraskans, who still remember how seriously the issue was debated.

Nebraska has inspired many kinds of pioneers, including the famous pioneer of the air—Charles Lindbergh. Although not a native Nebraskan, Lindbergh came to Lincoln to learn to fly at the Lincoln Aircraft School. It was from Nebraska sod that Lindbergh first ascended into

the air. Of course, everyone knows of his famous transatlantic flight in May of 1927. We Nebraskans like to think we rubbed a little of our daring spirit off on him while he was with us and perhaps we played a silent part in inspiring that historic flight.

We have come a long way from the days when transportation was such a slow, tedious effort that the settlers lived in houses made of sod because timber was so difficult to transport so far from the east coast, to our present era when men can orbit the earth in less time than it took those early pioneers to come from the east coast to their new home. We can expect still greater progress in our State, for the qualities of the pioneer, the adventuresome spirit, and courage coupled with patience, are still in the hearts of Nebraskans.

Nebraska takes great pride in its rich heritage. Our State is a living book of history and with this in mind I have placed in the Appendix the story of Nebraska's fight for statehood as written by Warren Spencer. It is aptly titled "The Fight To Belong."

As we proudly celebrate our centennial this year I invite my distinguished colleagues to explore Nebraska, for a week or a weekend. Once you do, you will want to come back again.

Mr. MARTIN. Mr. Speaker, it is my privilege and honor to address my colleagues here in the House today and to pay tribute to the people of Nebraska on a very significant date in our western history and heritage. Today is the 100th anniversary of Nebraska's statehood. Today, in Nebraska, we are celebrating the kickoff of our centennial celebration throughout the State.

I am especially pleased to be the U.S. Representative from the Third District of Nebraska in this Congress during the centennial. This district is composed of 59 western counties and about two-thirds of the State of Nebraska. During the time I was preparing for this celebration and these remarks I took the liberty to reflect on the history of my State and the first 100 years as a member of the Union. I would now like to take a little time and share some of our history with the Members of the House. While I am convinced the Third District is unique I will not confine my remarks to it, but for a special article to follow in the Appendix.

It was President Andrew Johnson who signed the proclamation admitting Nebraska to the Union back on March 1, 1867, and the period of time since that great day only scratches the surface of the history of Nebraska. I can assure you we are all proud of our first 100 years as a State and we are looking forward to the future with renewed vigor and anticipation.

Prior to the great western movement brought on by the gold rushes and the Homestead Act of 1862 the eastern population as well as the European countries had heard many stories of the abundant wildlife, Indians, and natural wonders of the territory known as Nebraska. The name itself is an Indian word meaning "flat waters," presumably named after the Platte River which spread far and wide throughout the State.

When the people started moving to the West they were originally more concerned about getting through the Nebraska Territory via the Mormon or Oregon Trails. Little by little people began to settle along the Missouri River and some of the other rich farming valleys of the territory. They faced the Indians and the elements and found they could survive against both and reap the bounty of a new rich virgin territory. As these settlers attracted more, communities sprang up in the eastern part of the territory. The Army established 11 forts throughout the territory and these became centers of trade as well as protection centers.

In 1862 the Homestead Act brought more settlers from all walks of life to the new territory. These were very hardy, down to earth people, representing all nationalities. The first homestead settled under the 1862 act was also settled in Nebraska. Cries of statehood were growing and as might be expected a good deal of turbulence was created from it. After several years of argument over three constitutions and the changing of the capitol, statehood was achieved in 1867.

This was only part of the battle for a new State, now they had to prove themselves. Slowly the population creeped to the western part of the State and an economy was founded on the new cattle industry which was developing at the end of the Texas Trail located at Ogallala, Nebr. The rich fertile grasslands of the sandhills furnished lush grass for feeding and raising cattle. The first transcontinental railroad, the Union Pacific, went through the State and created greater accessibility to the rich eastern markets. No longer did they have to live off the wildlife, but a flourishing beef industry was established. As new farming techniques developed the agricultural economy of the State grew with great speed and finally we had developed into a national leader in all forms of agricultural production.

Of course it was not all a bed of roses and these early pioneers and settlers had to fight prairie fires, blizzards, droughts, floods, and grasshoppers. They did fight and they did succeed and Nebraska is now a leader in conservation, reclamation, and irrigation.

These new pioneers, foreign-born immigrants and others left a mark on our country and especially the State of Nebraska. We certainly owe them a debt for coming to Nebraska when they were needed and we can thank them from the bottom of our hearts for what they left as a legacy in their offspring; that same strong will and determination to succeed. Our early settlers certainly provided the anvil from which Nebraska was formed upon and their following generations have continued with the same spirit.

In my part of the State as well as others, our native Nebraskans are the children and grandchildren of these early settlers. They are on the same ranches and farms their parents and grandparents worked. The present-day Nebraskan is not soft by any means and he continues to work in the same pioneer spirit with fight, determination, and stability to secure for his children and the world, better lives in the future. They are not resting on the wonderful heritage and history that is theirs, but they are looking ahead to face the realities of the future with plans, ideas, and action. These people are the new face of Nebraska and their success is assured by their past accomplishments.

I think it would be a real thrill to be able to take one of our early pioneers on a tour through the State as it exists today. He would not notice a great deal of change in the land itself in the western part of the State.

The real significant changes would be in what is on the land. The central part and northwestern part of the State would now have a very large manmade forest. Oil wells and pumps would be working in the southwest, the Platte River would be a little lower due to the irrigation pumps operating in some areas, large lakes built for reclamation and irrigation would dot the countryside, large sprinklers and motors with loud exhausts would break the silence of a growing cornfield. The cattle grazing in the sandhills would be smaller and more uniform than the rangey longhorns that once covered the land, the old trail ruts would be covered with interstate highways and shining powerlines would cross the land bringing life and light from the public powerplants throughout Nebraska. The railroad would still be there but there would be more tracks. The capitol would be a gleaming 450-foot structure topped with gold and seen for miles around displaying the strength and stamina of the people of Nebraska.

In any event I am sure the old visiting pioneer would be pleased with what he saw and the plans he would hear of for the future. I believe our plans for the future speak for themselves in the image of the many fine new schools and colleges that have been built during our first 100 years. This is only the beginning. It is great to be a Nebraskan during this period and I congratulate all Nebraskans on a job well done and future worth facing.

I certainly hope that many of my colleagues will try and visit Nebraska during our celebration and in the years to come. Nebraska is truly the land where the West begins.

As I stated earlier in my remarks I would not try and overemphasize the Third District of which I have the distinct honor of representing. This is rather a hard thing to live up to, but I would like to place an article in the Appendix of the RECORD and request that you read it. The article is written by a constituent of mine, Mr. Jack Pollock, editor of the Keith County News in Ogallala, Nebr. Ogallala was the end of the Texas Trail and marked the advent of our great cattle industry.

Mr. DENNEY. Mr. Speaker, it is my privilege and honor to address my fellow Members in the House of Representatives and pay tribute to the fine people of the State of Nebraska on the date of its State centennial. March 1, 1967, is the 100th anniversary of the admission of Nebraska to full statehood. Nebraska, where the West begins, is a

leading State in the production of many agricultural products and related industries. Nebraska has a fine educational system and is second to none of its sister States in art, literature, science, and religion.

The best thing that Nebraska has to offer to this great country of ours is its people. I would like to take this opportunity to invite all of you to visit our State this centennal year. Nebraska is a State richly endowed with natural beauty and vacationland attractions.

On behalf of the First Congressional District of Nebraska, I wish to thank you for the opportunity to present these remarks.

WHAT DEMOCRACY MEANS TO ME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. BROYHILL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest.

The winning contestant from each State and the District of Columbia then compete for top prizes, which are five scholarships to the school of the contestants' choice.

The contest theme this year was "Democracy: What It Means to Me."

The winning contestant from the District of Columbia was Stephen Gary Kraskin. In spite of concerted efforts on the part of many of my colleagues as well as myself, the District of Columbia has no Representative in Congress. I am therefore pleased to act, in this instance, as Stephen's Congressman, and present the winning speech from the District as delivered by him so that all my colleagues may have the opportunity to read the presentation of this fine young man.

Stephen's speech, in full, reads as follows:

WHAT DEMOCRACY MEANS TO ME

The term democracy comes from a Greek word meaning rule by the people. The United States government is a representative democracy. This means that the people elect representatives who establish and enforce the laws of our society. Democracy itself, though, is much more than a type of government. It is a philosophy that has developed a pattern of life for millions of people. Democracy is associated with creativity, and it has become synonomous with freedom of religion, freedom of speech, freedom of the press, and other rights prescribed in the first eight amendments to the Constitution. Democracy has also become synonymous with the unalienable rights of life, liberty, and the pursuit of happiness prescribed in the Declaration of Independence.

The greatest right given by a representative democracy, though, is the vote. Through this right, all others can be preserved by electing those to office who express, and will maintain and carry out the wishes of the electorate. With the vote goes a great responsibility, not only to our country, but to ourselves. Because a democratic government exists for the sake of the people, the people must be aware of what they need and who is the right candidate to elect to preserve their government. This awareness is the result of education, and, therefore, intelligence in using one's vote is the great responsibility that goes with our greatest right. Thomas Jefferson said in the Northwest Ordinance of 1787, and I quote, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." As a high school student, one must take on this responsibility even before he is granted the privilege that goes with it. For it is at this age that one begins to form his own philosophic outlook, and so, accordingly, education must strive to give the student an incentive to carry out the democratic way of life. The United States does not try to indoctrinate students, though. This is proved by the fact that education is controlled by local government. Also, education in the United States places emphasis on teaching people to examine, question, and think for themselves about their country's policies rather than just accept the existing situation.

It is apparent that this emphasis is getting through to today's high school generation. Evidence of this is seen in formal or informal discussions and debates about policies concerning such areas as civil rights and Viet Nam. These discussions and debates would seem to be healthy for the United States, but when they become violent objections and demands, they can be both disgraceful and detrimental. While the student has the right to question the government, he does not have the right to demand of it. Examining and questioning situations and problems of the government and the world will help the student to keep the nation strong and free when he later gets the privilege of voting. Demanding of his government by the high school student is inappropriate and it will benefit neither the student, nor the United States. The factor that makes this difficult for a high school student to understand is that he must accept responsibility without immediate compensation. The high school student, and all citizens must realize what President Lyndon Johnson said in his Inaugural Address in 1965—quote—"That democracy rests on faith, that freedom asks more than it gives."

OUR REAL ENEMY IN VIETNAM—THE SOVIET UNION

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, one important fact that some people choose to ignore concerning the war in Vietnam is that our real enemy in Vietnam is the Soviet Union. David Lawrence, the highly regarded columnist of long standing, in his column appearing in the Columbus Dispatch on February 12, 1967, states:

Peace could come overnight in the Vietnam War if the Soviet Union—which is spending billions of dollars to supply war planes and other weapons and is providing military technicians to the North Vietnamese—were to decide to withhold its aid unless hostilities are ended.

Mr. Lawrence goes on to further state:

The figures derived from official sources show that in the last two years more than $2 billion worth of supplies—oil, field artillery pieces, heavy infantry weapons and modern jets, including light bombers—have been furnished by the Soviet Union to the North Vietnamese military forces.

For those who would increase trade with the Soviets, this column should test their judgment—or sanity. I include the column, "Our Real Enemy—United States Ignores Proof That Soviet Is Chief Hanoi Ally," in the RECORD at this point:

OUR REAL ENEMY: UNITED STATES IGNORES PROOF THAT SOVIET IS CHIEF HANOI ALLY

(By David Lawrence)

Peace could come overnight in the Vietnam War if the Soviet Union—which is spending billions of dollars to supply war planes and other weapons and is providing military technicians to the North Vietnamese—were to decide to withhold its aid unless hostilities are ended.

For the Moscow government is at present the real adversary of the United States in Vietnam and has been indirectly responsible for the killing of thousands of American soldiers.

Yet instead of demanding an end to such acts of war, the President and his administration are actually asking Congress to ratify a new consular treaty which could mean assistance to the Soviet system of infiltration.

The figures derived from official sources show that in the last two years more than $2 billion worth of supplies—oil, field artillery pieces, heavy infantry weapons and modern jets, including light bombers—have been furnished by the Soviet Union to the North Vietnamese military forces.

In addition, hundreds of pilots have been sent by the Hanoi government to Russia to be trained. More than 2000 Soviet technicians are in North Vietnam training missile crews and operating military supply stations.

The tendency heretofore has been to portray Red China as the principal factor in the bolstering of the North Vietnam government.

But the evidence is coming out now that Russia has become in the last two years the mainstay of the North Vietnamese.

The Red Chinese, despite their internal troubles, are continuing to supply light weapons, ammunition and rice, all of which is a big help to the guerrilla forces. The Russians, however, are providing the real sinews of the war which are causing America and its allies to incur thousands of casualties.

Oddly enough, the United Nations and its secretary-general, U Thant, have not said or done anything to protest this action. Inside the U.N. the facts about the Russian aid have not been publicized.

Historically, the action of the Soviet government would long ago have been the subject of a formal protest by the American government and could have brought about a severance of diplomatic relations.

The Moscow government in 1953 openly boasted that it had been furnishing arms and supplies to Red China, though that country had been denounced in 1951 by a formal U.N. resolution as an aggressor in South Korea.

Today the Russians are again giving military aid to an aggressor, and the subject isn't even being discussed in the U.N.

Nor is it being mentioned by administration spokesmen in Congress or elsewhere.

Instead, the pressure for peace moves is centered on the North Vietnamese without regard to the fact that the Soviet government is encouraging the Hanoi regime to keep on fighting and is supplying the necessary military aid for that purpose.

The question is why the President and the Congress remain silent though they have indubitable proof that the Soviet Union is North Vietnam's principal ally.

LENIN AND THE "DEAF MUTES"

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the following article from the bulletin of the Institute for the Study of the U.S.S.R. in Munich, Germany, was inserted in the RECORD on November 21, 1966, but unfortunately one complete paragraph of Lenin's statement was not designated as a quote. As the subject of East-West trade is of current importance, I believe this statement of Lenin's is of value at the present time. The institute is a highly regarded organization which has as its purpose the exhaustive and authoritative study of the Soviet Union and its policies. A number of students from American universities have studied Soviet affairs at the institute in recent years through arrangements with educational institutions in the United States. For the above reasons, I include the article, "Lenin and the 'Deaf Mutes,'" in the RECORD at this point.

LENIN AND THE "DEAF-MUTES"

(The following contribution by Mr. Annenkov contains some notes of Lenin's which are here published for the first time in English. They were first published in Russian in an article by the same author in *Novy zhurnal* (The New Review), New York, No. 65, 1961, of which the present contribution represents a brief extract in modified form. Mr. Annenkov describes how these notes fell into his hands and why they have remained unpublished until now. Despite the fact that they were written over forty years ago, they are of especial interest today, as Khrushchev, having liquidated the cult of Stalin, asserts that Soviet policy is now being founded once more on Leninism and that the chief expression of the Leninist spirit in foreign affairs is the principle of peaceful coexistence. The following notes throw a different light upon this question.)

(By Yury P. Annenkov)

Lenin died on January 21, 1924. Three weeks later, I was summoned to the Higher Military Editorial Council, where the director V. Polonsky (later shot on Stalin's orders) proposed that I visit the V. I. Lenin Institute which had been founded in Moscow and there acquaint myself with photographic documents which were intended as illustrations for books dealing with Lenin. The process of "acquainting myself with the documents" lasted about a fortnight. Among a mass of photographs, printed articles and manuscripts, I came across some brief, fragmentary notes hurriedly jotted down by Lenin in his own hand with many of the words unfinished—a characteristic feature of many of his writings, including even private letters. These notes, dated 1921, the year of the Kronstadt mutiny, struck my fancy and for no particular reason I copied them surreptitiously into my notebook. Soon afterwards, these pages of Lenin's jottings disappeared from the Institute and were hidden away in the Party archives; at any rate, with the exception of two or three individual sentences, I never saw them in published form, which was not surprising in view of their contents.

When in 1926 Boris Suvarin in France and Max Eastman in the United States published Lenin's famous anti-Stalinist *Testament*, which had been given to Suvarin by Lenin's widow Krupskaya, Communist parties all over the world fell upon them, calling them slanderers and claiming that the *Testament* was their own fabrication. Credulous Europeans and Americans straightway accepted the Communists' story and the *Testament* was quickly forgotten. Thirty years were to pass before Khrushchev, under the pressure of de-Stalinization, was forced to recall public attention to the document, which had been preserved in the Kremlin, and only then was everyone suddenly prepared to accept it as genuine.

When I came to France, my notebook was in my pocket. For the time being, I thought no more of Lenin's jottings. Even if I had tried to publish them abroad, they would doubtless have shared the fate of the *Testament*. With the passage of time, however, they gradually came to occupy a major place in my consideration of the international political situation and, after Khrushchev's admissions, I resolved to have the notes published. I translated them into French and offered them to certain Paris newspapers, which all declined to accept "such a responsibility," justifying their refusal on the grounds that I could not provide official proof of the authenticity of the text. In answer to my comment that in this case it was up to the Soviets to prove that Lenin had not written the notes, the editors merely shrugged their shoulders. Thus the text remained unpublished, despite the fact that its historical significance (of which in 1924 I could have no idea) was enormous, especially in view of the proclamation of a "return to Leninism" in the Soviet Union. As regards international Communist tactics, the whole of "Leninism" was contained in those lines of Lenin which I had copied down.

Lenin's unpublished notes stated:

"As a result of my own direct observations during my emigration, I must admit that the so-called cultured elements of Western Europe and America are incapable of comprehending the present state of affairs and the actual balance of forces; these elements must be regarded as deaf-mutes and treated accordingly. . . .

"A revolution never develops along a direct line, by continuous expansion, but forms a chain of outbursts and withdrawals, attacks and lulls, during which the revolutionary forces gain strength in preparation for their final victory.[1]

"On the basis of these same assertions and in view of the protracted nature of the growth of the world socialist revolution, it is necessary to resort to special maneuvers capable of accelerating our victory over capitalist countries. We must:

"(a) In order to placate the deaf-mutes, proclaim the (fictional!) separation of our government and governmental institutions (the Council of People's Commissars, etc.) from the Party and Politburo and, in particular, from the Comintern, declaring these latter agencies to be independent political groups which are tolerated on the territory of the Soviet Socialist Republics. The deaf-mutes will believe it.

"(b) Express a desire for the immediate resumption of diplomatic relations with capitalist countries on the basis of complete non-interference in their internal affairs. Again, the deaf-mutes will believe it. They will even be delighted and will fling wide open their doors, through which emissaries of the Comintern and Party intelligence agencies will quickly infiltrate into these countries disguised as our diplomatic, cultural and trade representatives.

"Speaking the truth is a petty-ourgeois prejudice. A lie, on the other hand, is often justified by the end. Capitalists the world over and their governments will, in their desire to win the Soviet market, shut their eyes to the above-mentioned activities and will thus be turned into blind deaf-mutes. They will furnish credits, which will serve us as a means of supporting the Communist parties in their countries, and, by supplying us with materials and techniques which are not available to us, will rebuild our war industry, which is essentially for our future attacks on our suppliers. In other words, they will be laboring to prepare their own suicide."

It should be mentioned that, at the time when I copied down these notes of Lenin's, I was as yet unable to link them with the preparations behind the scenes for a transition from "permanent revolution" to the building of "socialism in one country," a process of which I knew nothing. Only much later, after acquainting oneself with materials relating to Lenin and the events of that period, was it possible to establish that, toward the end of the Civil War, Lenin had very quickly realized the impossibility of bringing about an immediate Communist revolution on a world-wide scale and, as early as the Third Congress of the Comintern (June 6–July 12, 1921), had admitted the need to restore diplomatic and trade relations with capitalist countries in order to put an end to the isolation which constituted too great a threat to the U.S.S.R. The task of taking the first diplomatic steps in this direction was entrusted to G. Chicherin.

Lenin's observations have indeed proved prophetic. As one looks back now over nearly forty years of "diplomatic," "trade" and "cultural" relations between the free world and the Soviet Union, it becomes clear to what extent these "relations" have been based on the method prescribed in Lenin's notes and to what extent they have facilitated the immense expansion and consolidation of the Communist world. They have served to further Communist propaganda, espionage and sabotage in the free countries by encouraging these countries to open their doors to Soviet diplomatic, cultural and trade representatives. Indeed, in every free country the Soviet Union enjoys two forms of representation: the official one, which must not interfere too openly in the internal affairs of the country to which it is accredited, and an undercover one, whose task is to interfere in internal affairs and lead unobtrusively the central committee of the Communist party of that country. A number of major spy trials have clearly demonstrated that this second and more important form of representation carries on its silent work under cover of diplomatic immunity, which Lenin had meant when speaking of the "deaf-mutes" in the free world who are ready to accept Soviet "diplomats," trade and cultural representatives, not to mention all manner of sportsmen, dancers, scholars and anonymous "tourists," at their face value.

[1] This passage became known even in Lenin's lifetime and was repeated and commented on more than once by Stalin, and later by Khrushchev.

MISS BONNIE McGUIRE—"ON THIS ROCK WE STAND"

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KING] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, recently a young lady who I am privileged to represent here in the Congress won the oratorical contest sponsored by her local American Legion post in Washington County, N.Y. She is Miss Bonnie McGuire, the daughter of Mr. and Mrs. Richard McGuire, of Cam-

bridge, N.Y. The title of Bonnie's speech was "On This Rock We Stand."

Qualities of thoughtfulness and of obvious sincerity are readily apparent in this young lady's prize-winning speech. Her remarks show a maturity and a clarity of thought that is uncommon in one of such relatively tender years.

In this day and age, Mr. Speaker, I find Bonnie's expression of her thoughts indeed inspirational, not only for their content, but also as testimony of the fact that there are many young citizens like Bonnie in our country, who see the great value in our democratic way of life and are depending on us to preserve it.

Under leave to extend my remarks, I would like to introduce the text of Miss McGuire's speech into the CONGRESSIONAL RECORD so that the Congress may have the benefit of this young lady's thoughts:

ON THIS ROCK WE STAND

A man and his small son walked one day beneath the mighty redwoods which are found in our Pacific Northwest. The man was trying to impress upon the boy the strength and permanence of these gigantic trees. "Son," he said, as they paused beneath one of the largest trees, "This redwood has withstood the storms of a thousand years." His son turned, pointing to the distant rocky cliffs, and asked, "Dad, are they as strong as those rocks?"

From the beginning of time man has recognized the strength and perpetuity of stone. How often we use this association in our conversation. We say "as strong as the Rock of Gibraltar,—as old as the pyramids,—and as everlasting and pure as a diamond."

The milestones of civilization have also exemplified these same characteristics of strength and durability. Just what are the milestones of civilization? What are those things which have changed the course of history, that are directing our way of life today, and will influence men's lives in the centuries ahead?

I would say that the first of these is the Ten Commandments. They are so simple, yet so inclusive that even through thousands of years they still serve as the moral standards of the civilized world.

The Magna Carta, written in 1215, gave to the individual the important privilege of trial by one's peers. This was an important milestone in the establishment of justice.

The next great milestone in history came in 1689 with the signing of the English Bill of Rights which limited the power of the rulers and guaranteed to the ruled a voice in the government.

The fourth and greatest milestone in history came less than 100 years later, when in 1787 a group of delegates from the 13 states met in Philadelphia to discuss a written form of government. From this convention came the Constitution of the United States of America which went into effect on June 21, 1788.

What has made our Constitution so famous? Why has it endured? And what provisions have made it the foundation for so great a nation?

Let us look at the men who wrote our Constitution. Two-thirds of these men were lawyers; others were businessmen or farmers; three-fourts of these men had served in the Continental Congress; several had helped to frame state constitutions, and had served in state legislatures; eight had signed the Declaration of Independence; seven had been state governors, ten had served as judges, and two were college presidents. In short, they were a group of able and seasoned men, mature in judgment, and prepared by experience for the task which faced them. They realized that the future of their country would depend upon the solidity of the document they were about to create.

Like true craftsmen they carefully chose their cornerstones. Looking back through history they wisely selected those documents which had contributed most to the welfare of man. The principles recorded in the Ten Commandments, the Magna Carta, and the English Bill of Rights were incorporated in the writing of our Constitution. On these cornerstones they set a new concept of freedom, equality, and justice. These made our Constitution a living document, combining the old with the new, and making provisions for future growth.

Our Constitution forms a foundation for the workings of our society, but what good is a foundation unless we build on it? As a free people we cherish those rights and liberties guaranteed to us in the Bill of Rights. These alone are a mighty bulwark against despotism and oppression. However, these privileges are never so safe, never so assured, that we dare take them for granted. Our personal freedoms are the lifeblood of our society—cut off the flow and the organism can't function properly as a democracy.

But, none of these privileges are unlimited; each requires a corresponding responsibility; and all of them must be considered in the light of how they affect other people. There can be no guarantee of privileges without laws that limit these so that all may have a chance for "life, liberty, and the pursuit of happiness:" Ernest S. Griffith quotes a judge unknown who once summarized our privileges and their limitations thus: "My freedom to swing my arm ends where the other fellow's nose begins."

Because of the great insight of the group of men who wrote our Constitution, it served well the citizens of our country then, it serves us well today, and will serve us well tomorrow —for democracy's work is never finished.

The very nature of democracy requires perfection. Although we haven't achieved perfection in every aspect of our democracy, our efforts have afforded us a higher standard of living, more personal freedom, and greater human dignity than are enjoyed by people who have adopted other forms of government.

We have in our power the possibility for further improvement and happiness as long as we continue to build on this solid foundation—our Constitution.

To conclude, I have written the following poem to summarize my feelings about the goal before us which I believe will be achieved because:

ON THIS ROCK WE STAND

Down through the years since time began
Man has sought a more perfect plan—
A way of life, a book of rules,
A task to do, and a set of tools.

The search has continued from age to age,
And history has recorded it, page by page.
And once in a while man's inspiration
Has built a cornerstone for civilization.

A group of men, inspired thus,
Have passed a heritage on to us.
They knew in order for a house to stand
It must be built on Rock—not sand.

So they placed each cornerstone with care,
Freedom and Justice—they placed each there
Sealed with the blessings of liberty
For themselves and their posterity.

Nor do we fear another's might
Secure in knowing that we are right.
We open our gates for all to see
The home of the brave, the land of the free.

Yes, we the people of the United States
Proudly guard our golden gates,
For the Constitution of this land
Is the Rock on which we stand.

THE COMMITTEE ON STANDARDS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. TAFT. Mr. Speaker, the House of Representatives should be above the dark shadow of doubt spread across this Nation's Capitol by recent charges and findings. It is my sincere hope that this Committee on Standards would help restore proper respect for and confidence in the Congress as an institution.

The Committee on Standards would examine the financial status of each Member and the Resident Commissioner from Puerto Rico and set uniform standards for all to follow. Each Member would be required to file a report within 90 days of the first session of and each succeeding session of Congress with the Committee on Standards.

The report would make a full and complete disclosure of financial status as of December 31 of the preceding year, including, but not limited to, a list of personal equity holdings, loans, trust interests, and a complete disclosure of investments owned by the Member and his immediate family. It would also require a full and complete disclosure of all income received by the Member and by members of his immediate family during any preceding year in which he served in the Congress.

ADAM CLAYTON POWELL

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. TAFT. Mr. Speaker, the problems presented to the House today were difficult ones. Unfortunately the attitude and misconduct of Mr. POWELL were such that the issue became clouded. While I can understand that honest feelings and motivation of those Members who voted to exclude POWELL, I cannot agree with them. I fear that we may have either set a dangerous precedent or that we have engaged in a futile act that will be set aside by the courts.

If, in the future, Members may be excluded because of qualifications in the minds of the Members rather than those set in the Constitution—proper safeguards of minority opinion and expression can be lost.

The same question presented itself in the debate on the seating of Senator William Langer in which my father was a participant and said:

If the Senator can say that the absence of moral turpitude is a qualification it can impose qualifications based upon the morals, the religion or lack of religion, or the philo-

sophical or political views of any person elected. This would be such a dangerous power that it certainly should not be implied unless entirely clear. The existence of such power would give the majority of either House the ability to exclude those who disagreed with the opinions of the majority.

Later in the debate he concluded:

It is my belief that Section 5 Article I of the Constitution was only intended to make each House the final judge as to whether a man was properly elected and whether he met the qualifications prescribed by the Constitution itself.

I believe that this principle should be controlling of our action in this case. It would not leave us without remedies. The investigating committee's recommendations demonstrated several avenues. The remedy of expulsion by two-thirds vote, with broader powers in the House, would remain, although even this should be exercised with caution where the people of a congressional district have clearly indicated their choice of Representative. The proceses of law enforcement by the enforcement authorities can and should be used where law is violated. This case transcends the issues relating to Mr. POWELL.

Hopefully, while disposed of for the moment as to him, it will lead the House to the better definition of standards of conduct for Members. To that end, I have today reintroduced a bill I first presented in 1963, calling for the setting up of a committee on standards. The House should act on some such proposal, and cut off any future Powell case at an early date.

FORMULA FOR HOSPITAL CARE UNDER MEDICARE PROGRAM IN NEED OF REVISION

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. COLLIER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. COLLIER. Mr. Speaker, after a long struggle, medicare became the law of the land last summer. Its intent was plain; to pay full cost of hospitalization for the Nation's elderly, especially the indigent. Although debate on medicare went on for years there probably can be no serious quarrel with the ultimate aim of the legislation.

There was no immediate large influx of elderly patients into the Nation's hospitals when the act became law. It is clear now that many elderly waited to see just what benefits they were to receive under medicare. Others did not wish to be hospitalized for any reason while weather was plain. It is equally clear that the situation now has changed. Leading hospital authorities estimate that the Nation's hospitals now are short about 800,000 beds.

Not only has the shortage of beds caused hardships to hospitals and their personnels but it probably has caused many patients to wait before needed hospitalization.

These are important results of the medicare program, probably the most important. But also of interest is the fact that hospitals have been forced into monetary hardships by medicare and its payment provisions.

Under Public Law 89–97, medicare, the Social Security Administration set up a reimbursement formula whose key is a 2-percent allowance to hospitals for costs not included in reimbursable expenses.

Several leading hospital groups, including the American Protestant Hospital Association have protested medicare payments, especially the 2-percent formula.

To begin with, hospital groups believe medicare has added to the cost of operation of hospitals by increasing the paperwork needed for reimbursing of medicare patient expenses.

In addition, hospital groups believe the Social Security Administration has failed to give serious consideration to the deficiencies in the payment formula in regards to such items as depreciation, communitywide load of charity and bad debts and principal payments on loans for modernization and expansion.

Many hospitals believe that it is discriminatory to other patients who must carry the financial burden for costs not covered by medicare which must be incurred to provide service to all patients.

I have received some of these expressions of opinion from a number of hospitals from my district.

Here is what some other hospital administrators say:

Jack A. L. Hahn, executive director of Methodist Hospital of Indiana, Inc.:

Because medicare payments are too low, self-supporting hospital patients are paying more than their share of hospital expenses.

James H. Moss, administrator, Bethesda Hospital, Cincinnati, Ohio:

Voluntary church related hospitals are facing disaster. The present allowance of only two per cent of hospital basic costs per patient for refurbishing, modernization and expansion are unfair.

Therefore, I propose that until effective methods can be agreed upon to measure the full costs of providing hospital care, the present 2-percent allowance be increased to 7 percent.

Unless something is done, hospitals cannot continue indefinitely with a contractual agreement for reimbursement at less than full economic cost for medicare patients.

INTRODUCING LEGISLATION CALLING FOR THE ESTABLISHMENT OF A GREAT PLAINS PARKWAY

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SHRIVER. Mr. Speaker, I am pleased to join with my distinguished colleagues from Kansas in introducing legislation calling for the establishment of a Great Plains Parkway. I want to commend my colleague, the gentleman from Kansas [Mr. MIZE], for his leadership on this project and associate myself with his remarks.

It is appropriate that an effort be made to preserve the colorful history and the singular beauty of the Great Plains through the establishment of such a parkway and scenic roads.

It is important to reemphasize that we are introducing this legislation today with the hope that it will catch the imagination and support of the delegations in other States including Nebraska, North Dakota, South Dakota, and Montana. We do not call for action in this session; but we are hopeful that there will be sufficient interest from other States to result in feasibility studies and other research leading to action in the second session of the 90th Congress.

I include the text of the bill at this point:

H.R. 6435

A bill to provide for the establishment and administration of the Great Plains Parkway

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to present and interpret for the benefit, education, and enjoyment of the people of the United States the remaining vestiges of the great prairie of the Midwest and associated wildlife, and the frontier experience in the settling of the West, and in order to portray contemporary ranching, agriculture, and historical landmarks in the great prairie region, the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire by donation, purchase, or otherwise, a right-of-way traversing a generally north-south route through the States of Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and Montana. The right-of-way may vary in width, and various portions of the route may be projects of joint cooperation between the Secretary and the respective States. The route should be determined on the basis of connecting the most possible scenic, historic, and great prairie features. Where the right-of-way traverses Federal lands, the head of the Department, agency, or instrumentality, having jurisdiction over such lands may transfer them to the Secretary without reimbursement.

(b) The Secretary is authorized to construct on such right-of-way a highway to be known as the Great Plains Parkway. The construction of all or portions of such highway may be a project or projects of joint cooperation between the Secretary and the respective States.

SEC. 2. When a State, a political subdivision thereof, or any Federal Department, agency, or instrumentality has a park, historical monument, landmark, site, building, or other similar object of historical significance, that is planned or is in being in the vicinity of the Parkway, the Secretary may enter into agreements under which he may coordinate the development and administration of the Parkway with such parks, monuments, landmarks, sites, buildings, and objects. When the public use of the Parkway will benefit thereby, the Secretary may construct such roads or trails over lands under his jurisdiction as may be necessary to carry out the purposes of this section.

SEC. 3. The Secretary shall administer the Great Plains Parkway in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to areas administered by the Sec-

retary through the National Park Service, and in accordance with statutory authority otherwise available to the Secretary for the conservation and management of natural resources which he finds will further the purposes of this Act.

LET THE RETIREES HELP THEMSELVES

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GURNEY. Mr. Speaker, I am, today, introducing legislation to aid our social security retirees by increasing the amount of outside earnings which they may receive.

Our social security system was never intended to be the sole means of support for all retirees. It was designed to supplement other retirement plans, and to round out the income from savings and whatever other financial preparations a person may have made for his retirement years.

As they grow older, many people find that part time or less strenuous employment enables them to retire but still keep active and earn money to meet their obligations. Social security was designed to supplement these other sources of income, which are less in a person's retirement years than they were during his full-time working years.

And yet, the social security laws prevent the retiree from earning more than $125 a month without losing a portion of his social security or more than $2,700 a year without losing his social security altogether.

The retirees whose letters fill my mail do not ask for a free ride. They have worked hard all their lives. Many of them had their life's savings swept away in the depression and began the laborious job of providing for their retirement over again. They have finally retired, only to see their savings and even the value of their social security checks eaten away by inflation. What once seemed like modest security today hardly pays the grocery bill.

Now they ask only to be allowed to help themselves. The bill I introduce today would permit another $300 a year in outside earnings without loss of any social security. A retiree could, in addition, earn up to $3,000 a year before losing all of his social security.

This still does not leave the social security retiree with any princely sum, but at least it brings him up to the President's poverty level.

I was disappointed that no action was taken on similar legislation I introduced last year. Despite the rising cost of living fostered by the administration's reckless fiscal policies, this legislation and another proposal of mine to grant automatic cost-of-living increases were blocked by administration opposition last year.

I am hopeful that the 90th Congress will take early action to ease the plight of the beleaguered retiree, or at least allow him to help himself, by enacting the bill I introduce today.

PEOPLE IN IOWA DISTURBED ABOUT THE EFFECT OF RECENT ORDER OF THE PRESIDENT TO WITHHOLD FUNDS FOR INTERSTATE HIGHWAYS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, the people in Iowa are disturbed about the effect of the recent order of the President to withhold funds for the construction of interstate highways.

Iowa has made substantial progress in the building of its interstate highway program. Iowa now has the longest stretch of toll-free four-lane highway in the United States. The people of Iowa want to see this progress continue unabated.

Recently the Iowa General Assembly passed a concurrent resolution which calls upon the President to reconsider his decision to cut back on highway construction funds. This resolution reflects the feelings of Iowans on the order of the President.

The resolution follows:

H. CON. RES. 9

Whereas, the Federal Aid Highway Act of 1956 and other federal statutes, created and established a program for the construction of a system of interstate and defense highways, and federal-aid primary and secondary highways with urban extensions in the state of Iowa and the several states of the nation; and

Whereas, the federal statutes have defined the sources of revenue and have dedicated the funds exclusively for the timely and orderly development of the highway system; and

Whereas, the Congress of the United States, under the Highway Act of 1956, as amended, has specified that these funds SHALL be distributed; and

Whereas, for the past decade the federal government has urged the state of Iowa and this state's highway industry to step up construction, and Iowa has been most cooperative in this regard as is evidenced not only by the accelerated highway program but also by the training and establishment of a skilled work force, and by the large, long-term capital investments undertaken by contractors, subcontractors and material suppliers to meet this commitment; and

Whereas, the construction team of working men and equipment, of professional engineers and contractors, once developed and operating efficiently, cannot be sustained if the financing becomes spasmodic and unreliable; and

Whereas, it has been definitely demonstrated in Iowa that better highways save the time, lives and money of our citizens, and that the consequences of a reduction in highway improvements would adversely affect the well-being of our citizens and cause further suffering and tragic loss of lives; and

Whereas, the orderly development of these modern highway systems is essential to preserve the national defense by providing the means of moving expeditiously the critical weapons, materials and personnel, and of coping with the aftermath of natural disaster or nuclear attack; and

Whereas, the rapid and convenient transportation of field crops, dairy and food products, livestock, lumber and minerals from the farms, ranches, mines and mills to distant consumer markets is essential to preserve these basic industries in the state of Iowa, and to expedite the flow of commerce between the states.

Now, therefore, be it resolved, by the Sixty-Second General Assembly of the state of Iowa, now in session, the Senate and House of Representatives concurring, that we respectfully petition the President of the United States, although justifiably concerned with the inflationary trends developing throughout the nation, to reconsider his decision to cut back on this most vital and necessary federal-aid highway program which, if not continued in an orderly fashion, will have lasting adverse effects upon the national defense and the economic stability of the state of Iowa and the several states.

Be it further resolved, that the Chief Clerk of the House of Representatives of the state of Iowa be hereby authorized and directed to forward certified copies of this Resolution to the President of the United States, to each member of the Iowa congressional delegation and to the leadership of the Senate and House of Representatives of the United States.

We, Maurice E. Baringer, Speaker of the House of Iowa, and William R. Kendrick, Chief Clerk of the House, hereby certify that the above and foregoing Resolution was adopted by the House and Senate of the Sixty-second General Assembly.

WILLIAM R. KENDRICK,
Chief Clerk of the House.
MAURICE E. BARINGER,
Speaker of the House.

VOTE AGAINST THE COMMITTEE REPORT ON THE POWELL CASE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, today I voted against the committee report on the Powell case. My decision to do this did not come easy. In fact, it was one of the hardest I have had to make since I have been in the Congress. It is not easy, Mr. Speaker, to cast this vote after having served with the individual involved for 10 years in the great decisions in this House. The fact that he did make a positive contribution to the national welfare and to his district is admitted. It could be argued that he could have done a better job, but that argument applies to each of us as well.

I have read with interest and considered all the precedents of the House that apply directly and indirectly to this case. Because of my avid interest in the history of the Capitol Building and interest in what happened here since 1800, when the Congress moved here, I have considered this as a historian and as an elected Representative of this body. I am willing to testify and believe I could prove that contrary to the belief of some historians that this House in which we

serve has also had its great moments and its great men. A man with whom most of us have served, Mr. Sam Rayburn, has referred to Congress and particularly the House as "the greatest legislative body in the world." I believe this is so. I am also convinced that more has happened here to find, to establish, and to extend basic freedoms than has happened anywhere else in all of time. We, the Representatives of the people, and there have been some 11,000 of us since the beginning, have made our share of contributions to the great society in which we live.

Speaking as a historian and Representative, I have noted the high respect that the Congresses of the past have enjoyed in the hearts and minds of people. At the present time the prestige of this body may be at an alltime low. It behooves us, then, to begin now to do something that will restore the image we should enjoy, for I believe that the vast majority of this Congress, as has been the case through the years, are men and women of integrity. They are devoted to the great ideals of our Nation. They are dedicated to the job at hand. They are people whose personal character is equal to or surpasses that of any comparable legislative body anywhere else. In order to restore the image we deserve, we must deal with the people at hand. As a result of the testimony and the revelations from the hearings, the people that have elected Congressman POWELL last November ought to be given a chance to reconsider their judgment. In many instances, what was rumor then as to misconduct is crystal clear now. Our report and that of others have revealed his sordid record.

Parenthetically, I want to join my colleagues in saying I think the select committee worked hard. They did so in a nonpartisan and objective manner under the most disagreeable of circumstances. I am not here to challenge any of their statements. I only differ from their recommendation to seat Mr. POWELL.

There are several important things that should be noted on which I formed the basis for my judgment.

The select committee has called his behavior contemptible and his conduct unworthy. I agree.

He has made little more than a token effort to settle his litigation problem in New York. He has, on this floor, falsely accused the Members of this Congress. He has misused and misappropriated public funds in various ways.

In response to the constitutional question, I believe the Constitution is clear. We have not only the right, but the implied duty, to judge the qualifications of the Members of this House. I find it hard to believe that the Supreme Court would deny us that right, even if they thought we were wrong. I do not think they will believe we are wrong in view of the facts clearly stated and proven. We have a right, Mr. Speaker, to refuse to seat to Mr. POWELL.

Mr. Speaker, surely there must be a lesson for us all in this sad affair. I hope and I pray that this House will reflect deeply upon the implications of this matter. Let it not be said of us that while acting on this matter we failed to correct the situation that permitted him to act as he did.

It is in this spirit that I heartily concur in the special committee's recommendation that the House make a study in depth to determine whether or not our existing procedural and substantive rules are adequate in cases of charges against a Member that he has violated the public trust. Furthermore, I vigorously support the special committee's final suggestion that the House Administration Committee file annual audits of expenditures of our standing committees.

I note that the special committee has announced that it is forwarding copies of its hearings, records, and reports to the Department of Justice for appropriate action. The people of this Nation will insist that the Department give immediate and urgent attention to those documents. I would think that the Department would seriously consider convening a grand jury to consider the evidence and to hand down indictments if they are indicated. If the basis for such indictments exist, they should be prosecuted to the fullest extent of the law. The Department has done so in other cases, most recently in 1963 when two Members of the House, one from Alabama—Frank W. Boykin—and another from Maryland—Thomas F. Johnson—were convicted of conspiracy and conflict of interest charges. My colleagues may also recall that in 1949 a Member was convicted of padding his payroll and accepting salary kickbacks—J. Parnell Thomas, of New Jersey—and in 1954 another was found guilty of substantially the same charge—Ernest K. Bramblett, of California.

Mr. Speaker, the action of the House in this case will set precedents in more ways than one. On infrequent occasions, Members have been deprived of their seniority, but usually by action of their political parties.

I call to the attention of my colleagues the statement I delivered to the House on January 10 of this year in which I suggested that committee chairmen be elected by secret ballot from among the three ranking majority members of each committee. On that same day I introduced House Resolution 96 to implement that plan.

Mr. Speaker, if the rules of the House had been amended as suggested in House Resolution 96, this entire unfortunate matter never would have occurred. Which committee chairman would dare to misuse his office when faced with the necessity of biennial secret election by his own committee? Indeed, the adoption of the rule I have proposed would act to restrain committee chairmen from a whole range of unethical and unresponsive acts.

As I reminded the House earlier this year, the incompetents, the dictatorially inclined, and the dishonest come along infrequently among us, but they do come along. The great difficulty with our current method of applying seniority to the selection of committee chairmen is that it makes no allowance for these exceptions. The rule of seniority is too rigid, too inflexible. I urge my colleagues to give my proposal serious consideration in the light of the case upon which we are now passing judgment.

Mr. Speaker, it is my privilege to serve on the Committee on House Administration. As a member of that great committee, it is my intention to push for meaningful action on the recommendation of the Select Committee that we give intensive study to the class of cases of which the present one is an instance. The House Administration Committee is the proper organ for such a study. The matter falls within the jurisdiction of that committee. It has the authority to conduct the kind of investigation such a study would entail. I am gratified that the House Administration Committee has given signs in recent months that it is now awakening to its responsibilities in this area. I repeat that I shall give all efforts of the committee to discharge those responsibilities my utmost support.

Mr. Speaker, a number of vague charges have been made to the effect that other Members of the House have taken or improperly used funds of the House. Like Caesar's wife, we must all be above suspicion. I urge the House to establish an instrumentality charged with the duty to investigate every charge of this kind, to expose every Member who may have committed acts of this sort. And I urge the House to prosecute with the same penalties we recommend today every similar instance we find of wrongdoing by others. Let those who have made these vague charges come forth with evidence. If and when they do, let this House give each charge rigorous examination, excoriating the guilty if they be proven so, and exonerating the innocent.

The evidence in the case before us today is clear to me, Mr. Speaker. On the record, on the evidence, and on the judgment of not one but two of our committees, the gentleman from New York has committed acts unbecoming a Member of the House of Representatives. The commission of those acts deserves the strongest censure and condemnation. Therefore I will not vote to seat ADAM CLAYTON POWELL. His attitude and his acts do not warrant it.

Finally, I plead with my colleagues not to let this opportunity pass to reform the procedures and practices that permitted this situation to arise. Let some good come from this distressing moment. The proper way to guard against any future indiscretions is to change our rules and procedures. The basic flaw in those procedures, as I see it, lies in our current interpretation of the custom of seniority. The responsibility for improving those practices lies right here, in the House, not in the parties. It should not be necessary to appeal to the party caucuses for relief from the inequities and dangers of seniority.

It is to the House as an institution that we must answer. It is the House that possesses the power to make and break chairmen, just as it is the House that must decide upon the qualification of its Members. When a Member of this body commits flagrant violations of accepted standards of conduct, the judgment must be rendered by the House. Let us render that judgment in good faith and conscience and let us see to it that our prac-

tices and procedures are so devised that no such painful judgment will ever again be required.

SUPPORT FOR SCHWEIKER DRAFT PLAN

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHWEIKER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, on February 7, I introduced the Draft Reform Act of 1967, a comprehensive plan to modernize and make equitable our antiquated draft laws.

I again urge my colleagues to give serious attention to this proposal and call to their attention various editorials which have appeared in support of this plan together with an excellent brief summary news article by Dan Rapoport of United Press.

The material follows:

[From the Philadelphia Evening Bulletin, Feb. 7, 1967]

SCHWEIKER'S BILL PROPOSES DRAFT OVERHAUL

WASHINGTON, Feb. 7 (UPI)—Rep. Richard Schweiker (R-Pa) member of the House Armed Services Committee, yesterday introduced a bill that would subject the Selective Service Act to a top-to-bottom overhaul.

The Montgomery County Republican said it would mean "a vastly different draft system for American young men."

Schweiker's bill would cut the present period of draft eligibility from seven years to four years, and would mean the drafting of younger men before older men, a reversal of the present system.

Schweiker's measure was the first piece of draft legislation introduced in the House. The Selective Service Act expires on June 30 and the Armed Services Committee is scheduled to start hearings next month.

A presidential commission studying the draft since last fall is expected to submit its findings and recommendations to President Johnson later this month. The major points of Schweiker's bill:

A man would be eligible for the draft for four years (18½ to 22½) instead of seven (19 to 26). Schweiker said this would allow men to plan their futures with more certainty.

College students could still get deferments, but as soon as they finished school, their four years of eligibility would begin and they would be placed in the top priority category.

College students would not be permitted a marriage or family deferment if granted a student deferment.

Separate draft calls of the Selective Service systems' 4,084 local boards would be replaced by a single national manpower pool, to "wipe out all differences in the type and number of men drafted that now exist from one board to another."

The Montgomery County Republican claimed the present draft system represented "a crazy quilt pattern of inequities and uncertainties."

[From the Baltimore Sun, Feb. 13, 1967]

DRAFT DEFERMENTS

Debate on the draft always gets around to student deferments. The present system is unfair. Young men who can afford college and post-graduate studies use the system not just to delay induction, but to avert it. A series of deferments leads to marriage and fatherhood, a draft haven, or to arrival at a draft-secure age. That's not what the system intended, but that's what it results in.

According to "informed source" leaks in Washington, the National Advisory Commission on Selective Service is planning to recommend gradual abolition of student deferments. That would deal with the draft avoiders in schools but it would not allow conscientious young men to get an education before service—an education that would be an asset to them and the military.

A better idea is advanced by Representative Schweiker, a member of the Armed Services Committee. He suggests student deferments that are just that—*deferments*. A young man who was 1-A when he entered college would be 1-A when he got out, despite any new family status. Schweiker would have the draft take the youngest rather than the oldest 1-A's first. A 22-year-old college graduate who had been deferred since 18 would go in the 18-year-old pool at graduation, just where he was when he got his deferment.

Schweiker has apparently given the whole problem of the draft much study. He makes several other excellent suggestions aimed at making the draft both dependable and fair. The basic draft law expires this June. Congressmen interested in improving the new law ought to look into these proposals.

[From the Philadelphia Inquirer, Jan. 17, 1967]

RIGHT EMPHASIS IN DRAFT REFORM

Possibly the loudest complaints against the present Selective Service system have stemmed from the apparent opportunity it provides for college students to avoid military service while the non-college high school graduate is much more likely to be called.

We agree with Congressman Richard S. Schweiker, of Montgomery county, that guarantees ought to be written into law that remove this source of legitimate dissatisfaction with the system. Representative Schweiker is preparing his own version of how this should be done, with the emphasis on random selection of draftees by computer from a national pool which would include recent college graduates and dropouts as well as those just out of high school.

The college students would be put in the same category exactly as the high school prospect, regardless of marital or job status. This would give the military services the benefit of their added qualifications, without opening up unfair opportunities for some to evade serving altogether. Representative Schweiker's idea makes practical sense.

One trouble with eliminating college deferments entirely is that, except in periods of emergency build-up, there are far more young men in the draft-eligible status than the services can use, and there is a considerable variation as to the number of eligibles from one area to another. While one draft board may use up its supply in a hurry and be forced, by the quota system, to draft borderline cases, others have many more than they need. Indefinite delays in drafting such men, as Representative Schweiker points out, make it difficult for them to plan their lives.

The object of draft reform is to be fair, not to discourage young people from going to college or planning to improve themselves and their future. The present system certainly falls short of the goal.

A thorough-going overhaul to restore confidence in the integrity of the Selective Service system deserves top priority in Congress.

[From the Philadelphia Evening Bulletin, Jan. 18, 1967]

REVISING THE DRAFT

Congressman Schweiker of Montgomery County, a member of the House Armed Services Committee, has put forward legislation for the first major reform of the draft in over 15 years. The basic law expires this June, and there is an obvious public demand for the correction of what are felt to be the inequities of the present system.

Basically, Mr. Schweiker would change the present policy which starts selective service with the 26-year-old group and works down to age 19. This seven-year period of liability could be cut, he thinks, to just four years, from 18½ to 22½, and the first ones taken would be the younger candidates. Those who are deferred to go to college would be ineligible for marital deferment, and would revert upon the completion of their studies to the 18½ classification.

The operations of local boards have also come in for criticism, since they do not always seem to follow the same guidelines in determining who shall go into the armed services and who shall not. A national manpower pool, it is contended, would wipe out regional and local differences in the nature and size of draft calls. Presumably, a computerized random selection would render impartial decisions.

In any case, the 4,084 local draft boards should follow stricter and more specific guidelines in estimating student deferments and critical civilian jobs meriting consideration.

A general review of our draft legislation is certainly in order. The President has a special commission studying the matter and all its ramifications. The Defense Department has given its own views, and the House Armed Services Committee, in an unusual move, has set up its own advisory civilian panel, composed of distinguished educators and retired senior officers. The hearings which will start in March ought to add further sound information on which Congress can base a revised draft law. A government policy which affects so many thousands of homes and communities across the nation deserves the most careful consideration and debate.

[From the Philadelphia Evening Bulletin, Feb. 9, 1967]

MILITARY MANPOWER NEEDS

The President's commission on the draft reportedly will favor gradual ending of student deferments, a conclusion said to have been reached by a slim majority after acrimonious argument. But this is surely not the only cure for the obvious abuses and inequities that exist in deferments.

The reported minority commission view that these abuses could be removed by better administration, without losing sight of overall national manpower needs, seems the more rational approach.

Any draft that does not take every able-bodied man is going to be criticized as unfair in one way or another. This is true even when a major war requires vast numbers to be conscripted. When fewer men are inducted in a long-drawn-out period of international tension punctuated by limited hot wars, the criticism of unfairness mounts. There is really no way completely to avoid this; what should be borne in mind, however, is that the aim of a Selective Service System must be to select and use manpower in a way that most effectively serves overall and long-range national interests in as fair a way as possible.

Student deferments are logical if standards are sound and well-administered because the nation simply cannot afford to neglect or delay educating young men to meet the needs of a complex society in a period of revolutionary change. College training, moreover, is necessary to build an officer corps on a scale that the service academies and promotion from the ranks cannot possibly provide. And all of this must be considered, not merely in the light of battlefield requirements of the moment, but of what the national needs will be in the years ahead.

Rather than calling off student deferments, it seems better to concentrate on removing the kind of inequities that jointly arouse indignation in wartime. Corrective steps can be taken to insure that students are not able to parlay deferments as a draft-dodging mechanism: deferment should be just that, a postponement in induction that cannot be dragged out to escape service altogether. Legislation just proposed by Representative Schweiker (R-Montgomery Co.) points in this direction.

The draft commission, it is said, will propose reforms to get some uniformity of procedure in the present chaotic approach taken by thousands of local draft boards in applying standards for deferments, which are made on hardship and occupational as well as educational grounds. And the commission is said to be making other proposals to reform recruitment procedures in reserve components, which have been criticized as affording a haven for young men ducking combat.

The aim should be to tighten the draft system up and down the line. A system that works more fairly than it does now can be achieved. But there is no way, short of some form of universal conscription, to avoid selecting some men for immediate military service, deferring others, and excusing still others entirely. Selection should be on as rational a basis as possible, not merely by grabbing the youngest men first.

[From the Washington (D.C.) Evening Star, Feb. 11, 1967]

BETTER DRAFT LAW A CRYING NEED

(By Gould Lincoln)

Re-enactment of the military draft act, with or without revision, must be completed by June 30—the deadline—or the country will have to rely entirely on voluntary enlistments, an impossible situation. This is a fact of life that the legislators fully realize, particularly because of the involvement of the United States in the Vietnam war. In all likelihood it will be March before hearings on the draft are begun by the House Armed Service Committee, and by its Senate counterpart.

During World War I, the country resorted to the draft to meet its military needs, and 2,820,000 men were inducted. We entered that war in 1917 and the war ended in 1918. In World War II, when the draft law was reenacted in 1940 and we entered the war in 1941, 10,022,000 men were inducted.

With a Cold War on our hands since the close of World War II in 1945, then a hot war in Korea and more recently the Vietnamese war, the draft laws have been kept alive continuously but virtually unchanged. The present law is for a four-year period, now about to expire. Obviously, for the sake of national defense and in view of the world situation, the greatest folly would be discontinuance of the draft laws.

Yet there are today many people demanding that the draft be abolished. Most of these demands come from those who are violently opposed to the war in Vietnam, and particularly from many who do not wish to serve in that war or any other. Others say that the best way to revise the draft is to abolish it and rely on voluntary enlistments.

Two members of Congress who have given much study and thought to the improvement of the draft laws are Senator Edward M. Kennedy of Massachusetts, a Democrat, and Rep. Richard S. Schweiker of Pennsylvania, a Republican.

Schweiker, a member of the House Armed Services Committee, this week introduced a bill to revise and continue the draft law—the first legislation of the kind actually proposed in the 90th Congress.

Kennedy gave his views on the draft when he appeared last June before the House committee, and more recently when he addressed the National Press Club here.

Both men heartily agree that the draft law must be extended. Both pointed out the many inequities that have grown up in the administration of the draft law, and both have proposed remedies, some of which are on all-fours. Last year the President set up a commission to study and report on the draft system, and that report is expected within a week or two. The House Armed Services Committee also has its own study group, headed by Gen. Mark Clark.

Kennedy did not mince words when he addressed the National Press Club on the draft, officially called the Selective Service System.

"We have a system," he said, "which sends tens of thousands of young men into the Army simply because they cannot afford to go to college, and which lets 75 percent of those wealthy enough or bright enough to go on to graduate school to escape military service completely. We have a system which allows professional athletes to join National Guard units which neither train nor guard.

"We have a system of local boards which apply widely different rules, which result in calling up married men in some states, while tens of thousands of single men in other states remain untouched: which conscripts 19-year-olds in one city and 22-year-olds in another.

"But beyond these place-to-place variations lie two faults which are uniform throughout the whole system. The first is the present policy of drafting the oldest men (26-year-olds) first, and the second is the policy of granting liberal deferments. The former breeds uncertainty and the latter inequity. The military prefers 18 and 19-year-old draftees. They make better soldiers. They are at their physical peak; they are easier to train and discipline."

Kennedy's plan, when worked out in detail, would leave to the 4,088 local draft boards the duty of classifying registered young men, but would have a central "fishbowl" out of which numbers would be drawn, creating in effect, a national lottery. There would be no educational deferment under this plan.

Schweiker's bill would continue the registration and classification of the draftees by local boards, but would set up national standards for deferments.

"The recent major build-up of manpower for the Vietnam war," Schweiker said on introducing his bill, "has brought home the worst features of the draft to hundreds of thousands of American families. The answer at this time lies in a full modernization of the creaky, unfair draft structure."

INTRODUCING BILL TO MAKE FAMILIES IN GOVERNMENT HOUSING ELIGIBLE FOR SEPARATION ALLOWANCE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I am reintroducing a bill which I feel is of great importance, particularly in view of our continuing and ever-expanding commitment in Vietnam. Literally thousands of families are deprived of their husbands and fathers for periods of at least a year. No one can estimate the amount of hardship this separation causes each family, but at present the law does not treat all those in this situation equitably. Basically, the problem is simple. According to the Uniformed Services Pay Act of 1963, members of the Armed Services above grade E-4—with more than 4 years service—who are stationed apart from their families, may receive a $30 per month family separation allowance. However, only those individuals receiving basic allowance for quarters are authorized such a separation allowance.

This is based on the unrealistic theory that the family living in Government housing does not need this separation allowance because housing maintenance services are provided by the military. The theory, I submit, is full of holes. In reality, service families, whenever the head of the house is required to be away, encounter the same expenses for auto repairs and maintenance, upkeep of appliances and other household services regardless of whether they are in Government quarters. The law, as it reads at present, in unfair and unrealistic.

For this reason, I am today reintroducing a bill which would make those families in Government housing eligible for this separation allowance, provided they would otherwise be so entitled. In 1965 the Air Force, reporting for the Department of Defense, endorsed this bill and my colleagues in the House recognized the need for this legislation, acting favorably on it in the summer of 1965. Unfortunately, the Senate failed to take action prior to the adjournment of the 89th Congress. I sincerely hope that we will be able to secure rapid passage in both Houses this time around in view of the fact that the need for such legislation is even more critical now than it was 2 years ago.

AGRICULTURE AT THE KENNEDY ROUND

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington [Mrs. MAY] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. MAY. Mr. Speaker, it is imperative that the United States take a hard line on agriculture in the current GATT negotiations at Geneva.

American farmers have a $1.6 billion market at stake in the Kennedy round. The Common Market is the largest market for U.S. agricultural products, receiving in 1966 nearly one-fourth of our exports. Almost every commodity we ship to Europe would be adversely affected if we fail to reach a meaningful agricultural agreement at Geneva.

In these farm talks, it is not just a simple matter of either getting a better trade position or maintaining the status quo, for there is no status quo to which we can cling. The maintenance of our present European markets for grains, fruit, vegetables, and other agricultural products depends on a good agreement at the Kennedy round.

Failure to obtain some agricultural concessions from the Common Market by the time our trade agreement au-

thority expires at the end of June will leave us facing new and more formidable barriers against our exports. Consequently, although we have increased the value of agricultural shipments to the Common Market countries by nearly 40 percent since 1962, prospects for further such increases will be dim indeed, and we may well be faced with some serious curtailments.

The markets which we gain or lose at Geneva in the coming weeks, are markets which can make or break many U.S. farmers. With the produce of one out of every four of our farm acres exported, any sizable loss of foreign markets will mean loss of producer income, and will create the conditions for a potential surplus buildup.

The Department of Agriculture announced yesterday that the farm parity ratio has now dropped to 74. There is nothing I can say which better emphasizes the point I am trying to make. Farmers are losing the battle against the cost-price squeeze. Prices farmers receive are going down while the prices of virtually everything they need are going up. Real estate taxes, feed, fertilizer, labor costs, insurance, seed, interest, fuel, machinery—all are taking more of the farmer's dollar, and he is getting paid less. American producers need the chance to expand their exports, not see them cut off.

In addition, the significance of diminished agricultural exports to our balance of trade cannot be overlooked. Farm products now make up approximately 20 percent of all U.S. exports and contribute substantially in our favor on the balance of payments ledger. Loss of export markets could tip the scales the other way.

This is why the present apparent lack of progress in the agricultural talks at Geneva is cause for grave concern.

I have written to Hon. William Roth, Acting Special Representative for Trade Negotiations, expressing my concern over this situation, and assuring him of my full and wholehearted support of efforts to strengthen the U.S. negotiating position in agriculture. I urged him to take a firm stand in demanding reciprocal benefits for U.S. agriculture, and reiterated my view that agreements on tariff reduction of European industrial goods should be contingent upon meaningful concessions for our agricultural exports.

Mr. Speaker, I question the wisdom of committing ourselves in finality on reduced tariffs for European industrial goods unless it becomes clear that satisfactory farm agreements will be reached in the Kennedy round negotiations. Otherwise, I fear that the chances of negotiating anything of value for U.S. agriculture will be less than zero.

ADAM CLAYTON POWELL

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LATTA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LATTA. Mr. Speaker, I am opposed to the seating of ADAM CLAYTON POWELL notwithstanding the recommendation of a House select committee that he be seated, censored, and forced to return a reported $40,000 that he is alleged to have collected illegally from the U.S. Government. I fail to see any punishment in an order which merely requires an alleged wrongdoer to repay funds he is supposed to have acquired illegally. Such punishment would be like telling a little boy to put the cookies back after he had been caught with his hand in the cookie jar without slapping his wrist, or like telling the burglar to give his loot back after he had been caught and all will be forgiven. If the Congress is going to mete out such ridiculous penalties how can it complain about the increased lawlessness in the United States, its soaring crime rate, or about judges who fail to hand down proper penalties as a deterrent to crime.

Mr. Speaker, for all practical purposes, this committee recommendation would permit ADAM CLAYTON POWELL to pay his way back into Congress, and I do not believe the American people will permit the Congress to function on this basis. The good people of our country have been appalled by some of the revelations in this case. In my opinion, they do not want any person so charged sitting in the Congress of the United States and voting on legislation which will affect their lives.

In my judgment, the adoption of the committee report would establish a bad precedent for future Congresses in that it takes a narrow view on the constitutional right of Congress to be the judge of the qualifications of its own Members and of its right to expel a Member. The select committee, apparently was swayed by the argument put forth by POWELL'S eight attorneys that Congress could only inquire into the age, election, citizenship, and residence of a Member. If this constitutional provision is to be so narrowly construed, the Congress of the United States would be compelled to accept any person sent to it having these basic qualifications regardless of his moral fitness to serve. I do not believe the framers of our Constitution intended that the powers of the Congress be so limited.

LOOK-AND-LISTEN MEASURES

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, today's session on the floor of the House provided another strong argument on why adoption of two of my previously introduced measures is so important to the continued dignity and integrity of this body.

I refer to House Resolutions 228 and 229, which I again introduced February 8, 1967, and which have been referred to as the look-and-listen package. These resolutions would allow debates in the Hall of the House and committee hearings to be both broadcast and telecast—in effect they would allow the public to look and listen to their Congress in action.

Today, Mr. Speaker, we have spent several hours on the floor debating and voting on the fate of ADAM CLAYTON POWELL. This is an issue which has been accorded voluminous publicity in media throughout the world. The great public interest was obvious from the throngs of persons who tried to crowd into the House galleries for the debate. I say tried, because many had to be turned away. Countless hundreds were forced to wait for more than an hour before being allowed into the gallery.

I also point to the publicity which has surrounded the controversy over the seating of Mr. POWELL and the thinly veiled innuendos in many segments of the press that other Members are guilty of similar indiscretions; that these Members are trying to "cover up" their wrongdoings and fear publicity.

If telecasting and broadcasting were allowed, two things would have been accomplished yesterday.

First of all, we would have effectively answered any criticisms of the press that we feared publicity. We would have had on record, in the public view, our opinions and our reasons for our actions on Mr. POWELL. We would not have left the public with any vague afterthoughts that we preferred to dispose of the case in secret.

Second, we would have allowed the public to view the functioning of the Congress, an institution they support each year with many millions in tax dollars. In an era when we constantly preach the importance and necessity of public participation in governmental processes, we would have allowed the public to practice this participation we preach. We would not have restricted it to the lucky few hundred who were able to squeeze into the crowded galleries.

That is why, Mr. Speaker, I again point to the necessity of adoption of my two look-and-listen resolutions. Yesterday's action is one more example of the increasing need for public access to our deliberations.

NEED TO REVISE SELECTIVE SERVICE LAW—XXVI—THE NEGRO AND THE DRAFT

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, in a further examination of Negro induction rates, I am presenting a comparison of draft figures for March 1966 with those of April 1966, when a lowering of acceptable standards took effect. Bear in mind that the total number of

inductions decreased for the April month.

Inductions	March 1966	April 1966
Total	26,707	21,240
White	23,325	17,805
Nonwhite	3,382	3,435
Nonwhite percentage	12.6	16.1

A representative sampling of induction centers across the country, shows, dramatically in some instances, the effect that lower standards had upon the Negro percentage of inductions.

Induction center	Negro percent of total inductees in March 1966	Negro percent of total inductees in April 1966
Los Angeles, Calif	8.2	11.2
New Haven, Conn	10.8	12.7
Jackson, Miss	50.9	68.4
Oakland, Calif	8.9	13.3
Raleigh, N.C	37.0	42.3
Houston, Tex	30.7	36.2
Shreveport, La	44.3	62.7
New Orleans, La	50.8	61.7
Coral Gables, Fla	26.8	32.1
Richmond, Va	30.9	36.8
Jacksonville, Fla	35.2	39.1
Fort Jackson, S.C	41.3	59.5
Memphis, Tenn	30.8	46.2
Montgomery, Ala	28.6	36.5
Baltimore, Md	33.2	47.9
Roanoke, Va	13.2	17.1
Charlotte, N.C	11.8	18.8
Dallas, Tex	16.6	27.6
Chicago, Ill	8.9	13.2
Denver, Colo	1.1	4.2
Detroit, Mich	3.1	16.2
St. Louis, Mo	9.2	11.8
Cincinnati, Ohio	10.6	13.9

The rationale advanced for acceptance of men who were formerly rejected and the effect this will have on the Negro inductee, who previously was judged unfit for service, will be the subject of future remarks.

STATEMENT ON VIETNAM

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BINGHAM. Mr. Speaker, under leave to revise and extend my remarks, I include herewith a statement which was signed and issued yesterday by 10 Members of Congress:

STATEMENT ON VIETNAM

A number of our colleagues have issued a statement setting out their views, at length, regarding the supplemental defense authorization bill which the House will vote on tomorrow. As part of their discussion of the Vietnamese situation, the signers of the statement have offered a four-point program which the United States should adopt. In essence, it includes the following:

1. Immediate cessation of United States bombing of North Vietnam;

2. United States support for truly free elections in South Vietnam; and full acceptance of any role won by the National Liberation Front as a result of those elections;

3. United States proposal of four-party negotiations, including the United States, North Vietnamese government, South Vietnamese government, and National Liberation Front, to secure a cease fire in Vietnam;

4. Encouragement of the formation of an appropriately sponsored international conference to seek international guarantees for any agreements reached by the participants in the Vietnamese conflict.

We have previously made similar proposals for achievement of a peaceful settlement of the Vietnamese conflict. We agree with the substance of these proposals and believe that adoption of them would greatly enhance the possibilities for successful peace negotiations in that unhappy part of the world. Resolution of the conflict would then enable us to devote our full energies and resources to the many unfinished tasks we still have before us at home.

JOSEPH P. ADDABBO, JONATHAN B. BINGHAM, FRANK J. BRASCO, JEFFERY COHELAN, LEONARD FARBSTEIN, JACOB H. GILBERT, RICHARD L. OTTINGER, JAMES H. SCHEUER, HERBERT TENZER, SIDNEY R. YATES, Members of Congress.

THE U.S.S. "WILL ROGERS"

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the U.S.S. *Will Rogers* is the last of 41 Polaris submarines authorized by Congress. The occasion seems appropriate for a brief summary of the purpose of the Polaris program.

It was just a dozen years ago that the world's first nuclear-powered submarine, the U.S.S. *Nautilus* put to sea—January 17, 1955. That same year the Navy began developing a ballistic missile for launching from a nuclear submarine. The first such missile was launched from the U.S.S. *George Washington*, July 20, 1960.

It is the combination of nuclear propulsion with long-range atomic missiles that makes Polaris submarines virtually invulnerable and highly lethal weapon systems. Nuclear propulsion enables these ships to travel enormous distances beneath the surface of the ocean and remain submerged for months at a time. They are completely self-sustaining. They make their own air and water. Their crews maintain and repair all equipment on board.

Senator CLINTON P. ANDERSON, of the Joint Congressional Committee on Atomic Energy, commenting on the effectiveness of the Polaris submarine, said:

The nuclear propelled ballistic missile submarine marks the closest approach now foreseeable to an ultimate deterrent.

President John F. Kennedy, after observing a successful launch of a Polaris missile from the U.S.S. *Andrew Jackson* in November 1963, said:

Once one has seen a Polaris firing, the efficacy of this weapons system as a deterrent is not debatable.

And President Johnson, in his special message on national defense, January 18, 1965, announced that the administration proposed to develop a new missile system—Poseidon—to increase the striking power of our missile-carrying submarines.

The advantage to the United States is obvious. Any would-be aggressor is aware that we possess 41 Polaris submarines, whose location he does not know, each equipped with 16 missiles having destructive power greater than that of all explosives used in World War II. For him to attack the United States proper, unless he had previously destroyed our Polaris fleet, would be futile.

With unanimous consent I am inserting in the RECORD a copy of a letter written to me by Adm. Hyman G. Rickover, the father of the Polaris and one of the great men of our time:

U.S.S. "WILL ROGERS" (SSBN 659),
At Sea, North Atlantic, February 13, 1967.
Hon. HENRY B. GONZALEZ,
House of Representatives,
Washington, D.C.

DEAR MR. GONZALEZ: We have just successfully completed the first sea trials of our 41st Polaris nuclear submarine, the last of this type currently authorized by Congress. The Will Rogers was built by the Electric Boat Division of the General Dynamics Corporation, Groton, Connecticut. We also have in operation 27 attack-type nuclear submarines, making a total of 68. This ship is named for Will Rogers (1879–1935), the Oklahoma cowboy who became one of America's most popular folk humorists. He was born and raised near Oolagah, Indian Territory, in what is now Rogers County, so named for his father, a prosperous rancher prominent in the councils of the Cherokee Nation and member of the convention that drafted the first constitution of the State of Oklahoma. Both parents were part Cherokee, and Will was named for William Penn Adair, an Indian Chief who was his father's friend.

The only son of a well-to-do family, he was offered every educational advantage but never got beyond the fourth grade. As told in Will's autobiography, his father "tried terribly hard to make something" of him, sending him to "about every school in that part of the country." Will, who hated school and loved the outdoor life on the ranch, seldom lasted more than four months at any one of them before deciding that the teachers weren't "running the school right, and rather than have the school stop," he would leave. Though he joked about the tricks he used to avoid schooling, Will did not recommend them to others. "I have regretted all my life," he would say, "that I did not at least take a chance on the fifth grade." When he left home at 19, to make his own way, he had little formal education but was an expert cowpuncher and lariat thrower. Neither he nor anyone else could have foreseen that these skills would open the door to a highly successful career.

He began modestly enough as a cowhand on ranches in Texas and Oklahoma. Wanting to see the world, he worked his way on cattle boats, roped mules in Argentina, and broke horses for the British army in South Africa. It was there, in Johannesburg, that he got his start in show business. He joined Texas Jack's Wild West Show as a rope artist and trick rider. Calling himself "The Cherokee Kid," he toured South Africa, Australia, and New Zealand for three years. On his return to the United States in 1905, he appeared regularly in wild West circuses and on the vaudeville circuit.

Quite by accident, Will discovered he had a gift for making witty impromptu remarks which kept his audience in paroxysms of laughter and greatly enhanced the popularity of his rope tricks. When he joined the Ziegfeld Follies in 1915, he was an instantaneous success though, to hear him tell it, he "was the least known member of the entire aggregation," doing his "little specialty with a rope and telling jokes on national affairs, just a very ordinary little vaudeville act by chance sandwiched in among this great array."

From the stage Will moved to screen and radio, becoming one of the highest paid performers of his time. His rope tricks had given him a start but what made him a success was his talent as a humorist.

He was a humorist, not merely a comedian. He wrote his own lines and it was their content no less than his inimitable delivery that appealed to the public. This is why he could progress from showmanship to authorship. In 1922 he became a newspaper columnist for the McNaught Syndicate, his column eventually being printed in 350 papers and reaching an audience of 35 million. He was the only syndicated columnist of his time whose daily comment was printed on the front page of metropolitan papers. In addition to his column, he wrote many magazine articles and was in great demand as a radio broadcaster, platform lecturer, and after-dinner speaker. His popularity was not restricted to the United States. He traveled extensively and met many of the world's greats, but fame never changed his innate modesty, his natural and unassuming bearing. "I am just an old country boy in a big town trying to get along," he once said. "I have been eating pretty regular and the reason I have been is because I have stayed an old country boy."

He wrote for what he called "the big Honest Majority" and felt himself a part of this majority—the people who believed in doing right, in tending to their business, and letting other fellows alone. He shared with them a certain skepticism toward the men elected to public office, a suspicion that these were not always doing what the voters wanted nor telling them the whole truth about the country's position in the world. Will appointed himself reporter to the American people on the doings of the government. His comments were sometimes sharp but usually fair and never wounding. Perhaps because he never met a man he didn't like, Will was more lenient toward individuals in public office than toward groups such as the Congress or the bureaucracy. He shared with "the big Honest Majority" a tendency to deprecate the Congress, seemingly not realizing that it is the great bulwark of the people's rights and closer to the electorate than any other branch of government.

Will got the material for his comments from the newspapers, from personal observation, and from contact with people. He traveled the length and breadth of this country, taking its pulse, watching its foibles and follies, joshing it gently, and sometimes telling it disagreeable homely truths. Since he dealt mostly with contemporary events, much of what he said has a slightly archaic flavor now but some of his remarks remain relevant. Here are a few samples, just as he wrote them, with spelling and grammar unchanged:

"We are going at top speed, because we are using all our natural resources as fast as we can. If we want to build something out of wood, all we got to do is go cut down a tree and build it. We dident have to plant the tree. Nature did that before we come. Suppose we couldent build something out of wood till we found a tree that we had purposely planted for that use. Say, we never would get it built. If we want anything made from Steam, all we do is go dig up the coal and make the steam. . . . If we need any more Gold or Silver, we go out and dig it; want any oil, bore a well and get some. We are certainly setting pretty right now. But when our resources run out, if we can still be ahead of other nations then will be the time to brag; then we can show whether we are really superior." He returns to this thought time and again. "The Lord has sure been good to us," he wrote. "Now what are we doing to warrant that good luck any more than any other Nation?" These ideas cannot have been overly popular in isolationist America of the 1920's and 30's.

Then, as now, Americans found it hard to understand why they were not as popular abroad as they thought they should be. "It will take America 15 years steady taking care of our own business and letting everybody else's alone to get us back to where everybody speaks to us again," was Will's comment.

Another time he said: "You don't know what a Country we have got till you start prowling around it. Personally I like the small places and sparsely populated States. A place looks better before it gets houses on it than it does afterwards." And here are a few shorties "Humanity is not yet ready for either real truth or real harmony." "A remark generally hurts in proportion to its truth." "You must judge a man's greatness by how much he will be missed."

Charles Collins said of Will Rogers that he was "the average American, as that theoretical figure likes to imagine himself." His humor was in the tradition of Mark Twain, Artemus Ward, and Finley Peter Dunne's "Mr. Dooley." It was typically American in its determination to see things as they are and in its lack of reverence for established pomposities and pretensions. In his homely way Will made sense out of life as it is lived by ordinary men and women. And he made them laugh. He once wrote: "I have been over 20 years trying to kid the great American public out of a few loose giggles now and again. Somebody had to act the fool, and I happened to be one of the many that picked out *that unfunny business of trying to be funny.*"

The sense of loss so widely felt at his untimely death in an airplane accident showed that Will Rogers had done far more than entertain his public; he had touched their hearts.

Respectfully,

H. G. RICKOVER.

U.S. OFFICE OF EDUCATION

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. MEEDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MEEDS. Mr. Speaker, in 1838 an educator named Henry Bernard visited Washington, D.C., in search of reliable facts about the Nation's school system. Because he found none, he fought for 30 years for the creation of a Federal education agency.

In 1866 the movement he initiated bore fruit. James A. Garfield, then a Congressman but later to become a President, presented to Congress a request of the National Association of State and City School Superintendents for a national education bureau. On March 2, 1867, an act was approved that created a Department of Education.

Its primary purpose was to be statistical and factfinding organization as to "the condition and progress of education in the several States and Territories."

To staff the fledgling Department, the President was authorized to name a Commissioner of Education who was to receive a salary of $4,000 per year. The Commissioner was authorized to name three clerks—a chief clerk to receive $2,000 per year, and two others to receive $800 and $1,600.

It is not my purpose to trace step by step the development and growth of a four-man Department whose payroll totaled $10,000 to today's U.S. Office of Education which has some 2,500 employees and handles a budget of some $4 billion per year.

However, I would like to paint with a broad brush the trends and directions of education in the United States today. Concurrent with the creation of the Department of Education a hundred years ago, we saw the birth of the land-grant college system which played such a key role in this Nation's great agriculture development.

This year we have seen the President of the United States propose the creation of sea-grant colleges. It takes no great stretch of the imagination to visualize the role that the sea must play in supporting mankind.

Nevertheless, from the birth of our Nation, to the creation of the Department of Education 100 years ago, and until this very day, the people of the United States in their wisdom have determined that the education of their children shall remain at the local level and not be directed by some Central Government fiat. The system has its drawbacks, we must admit. But when we compare it with others, who can say any other educational system in the world comes close to giving its citizenry the quantity and quality of education available to the boys and girls of America in their public school systems?

So, I for one, want to praise the U.S. Office of Education which today is burdened with the responsibility of masterminding the Federal Government's support of local education. Through the Office's creative programs, its vision, and dedication to the goal of equal educational opportunity and creative federalism, our American education system will continue to grow and our Nation will be the better for it.

THE GEORGIA RADIO AND TELEVISION INSTITUTE, ATHENS, GA.

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. STEPHENS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. STEPHENS. Mr. Speaker, recently I had the privilege of being a cohost to a very distinguished member of the North Carolina delegation representing the Sixth District, the Honorable HORACE R. KORNEGAY, who addressed the 22d annual Georgia Radio & Television Institute held at the University of Georgia in my hometown of Athens. This institute was inaugurated in 1946 under the leadership of John Drewry, dean of the Henry W. Grady School of Journalism at the University of Georgia in conjunction with the Georgia Association of Broadcasters.

The program for the 22d annual institute was arranged by Mrs. Katherine Bankston, of radio WGAU, of Athens, and Dr. Worth McDougald, of the university school of journalism. Mr.

Donald McDougald, president of the GAB, from Statesboro, presided at all sessions.

Representative KORNEGAY, eighth ranking member of the Interstate and Foreign Commerce Committee, eloquently traced the progress in radio and television since the 1920's, and took up some of the industry's present problems. His speech was one of the main features of the program. I take pleasure in inserting it in the permanent RECORD of Congress.

The address follows:

ADDRESS BY HON. HORACE R. KORNEGAY, MEMBER OF CONGRESS, SIXTH DISTRICT OF NORTH CAROLINA, BEFORE THE GEORGIA RADIO & TELEVISION INSTITUTE, ATHENS, GA., JANUARY 26, 1967

It is a real pleasure for me to come back to Georgia. I have spent many happy days in your great state and some of my finest and closest friends live here.

Thanks to good fortune and Uncle Sam's Army, I spent a year back in 1943 going to school in a little school in Atlanta they call Tech. I learned to love Georgia and I come back down here every chance I get.

I truly appreciated the invitation to come down here and take part in your fine program. I accepted your gracious offer because of my friend, Congressman Bob Stephens.

Let me say that the State of Georgia has been blessed for many decades in having responsible leaders in its government. The Georgia delegation in the Congress is one of the most respected and most able groups of legislators in both the House and the Senate. Certainly, the Georgia members of the House include some of my very best friends in Washington.

You are fortunate to have representing you men like Bob Stephens, my host here in Athens. Bob and I went to the Congress at the same time and it is an honor to serve with him and your other capable representatives.

Bob was good enough to meet me at the airport in Atlanta yesterday and drive me over here to Athens, where I had the pleasure of staying last night at the Stephens home. I asked Bob during our conversations what he thought I might talk about today. Bob didn't tell me what I should talk about but he did tell me not "to make one of those Texas longhorn speeches"—one with a point here and a point there and a lot of bull in between.

The more I thought about the contents of my remarks to this distinguished group, the more I wondered about my judgment in accepting your invitation. For each of you is an expert in your field. You are in day-to-day contact with the problems you face and you are part of the fantastic progress made in the broadcasting industry in its relatively short life span. I do not have the expertise in this field that you have. Yet, my experience on the Communications and Power Subcommittee of the House Committee on Interstate and Foreign Commerce does, I think, give me some insight into your problems and your progress. And, then, I think I am far enough away from home and from Washington to qualify this morning as something of an expert.

I would like to share with you in the next few minutes some of my general observations concerning the broadcast industry.

This is indeed an exciting time in the field of communications. This is also a very challenging time for those who are a part of this great industry that is yours. In your short, but dramatic half-century of progress, you have accomplished much. And with the sky not even the literal limit today, undreamed of achievements are just ahead.

But, there are some issues and some problems that will need immediate attention before the future for broadcasting and broadcasters can be brought into sharper focus.

Rightly or wrongly, like it or not, broadcasting and government, or politics—if you will, are partners. And, neither side of this equation has always been silent partners. Some of you, no doubt, feel you have been squeezed too hard by the Federal Communications Commission—and the Congress, on occasion.

This reminds me of the side-show strongman who awed crowds by squeezing a lemon dry, then offering $1,000 to anybody in the audience who could get just one more drop out of the lemon. Nobody paid much attention when a wispy little man in one audience dared to challenge the strongman.

The strongman first squeezed the lemon until it was little more than a pulp, then handed it to his frail challenger. The little man not only squeezed out another drop—but got almost a saucerful of lemon juice.

"Amazing!" the strongman conceded. "What kind of work do you do?" he asked the little fellow.

"I'm with the Internal Revenue Service," the little man replied.

So, I'm sure you agree that the government does have some squeezers.

But, the government has exercised some control over broadcasting, in various degrees, since the Wireless Ship Act was passed in June, 1910. This act required ships carrying 50 or more persons, including passengers and crew, to install wireless sets capable of transmitting or receiving messages over a distance of 100 miles. An amendment was added in 1912 to govern radio on merchant ships.

Until the 1920's radio was pretty much a self-regulated industry, with industry representatives meeting annually with the Secretary of Commerce. But, this was a period of growing confusion.

It was realized in the 20's by almost all concerned that something more definite was needed and Congress experienced the rather strange phenomenon of an industry requesting the government to regulate it.

This is an important factor to consider in connection with the development of broadcast regulations. The pioneers in the field of radio recognized that they could not operate in a vacuum, devoid of regulation and proper control measures. Thus, after several years of consideration of a Radio Act, in 1927 a compromise was reached and the Federal Radio Commission was established—on a temporary year-to-year basis. The next several years were precarious ones for the Federal Radio Commission, with the Commission almost dying at the end of each year. It limped along for several years with little authority and little to work with except for some impractical and infeasible laws passed by the Congress.

Congress tried to bring some order out of chaos during 1932 and finally managed to pass a bill which would have combined the Radio Division of the Department of Commerce with the Radio Commission, but President Hoover stuck the bill in his pocket—where it remained.

Then, after much legislative jockeying, the Communications Act of 1934 was enacted, establishing the Federal Communications Commission. Unfortunately, this act did not immediately alleviate the chaotic conditions which then existed and even more unfortunately has not up until this very minute. The Congress gave the Commission powers either too broad or too vague and the only standard it was given to follow is the phrase "the public interest, convenience and necessity." This phrase conferred an almost unlimited area for administrative judgment and discretion and, oh, how many sins have been committed in its name!

It was expected that this admittedly broad language would furnish the Commission with an effective means by which it could formulate its own firm policy in a rapidly developing area about which Congress had little knowledge.

Due to a chronic lack of effort toward control, and a general tendency for hand-sitting by the Commission, coupled often-times with some strong pressures against active regulation by the industry, the Commission has failed over the years to channelize its discretionary power by establishing firm policy and standards. History shows that it has only been active in those areas of traffic control where activity has been largely forced upon it.

Just as you in the industry have not always been satisfied with the actions and activities of the Commission, neither has the Congress. This is evident in the plethora of resolutions to authorize investigations and the harsh criticism of Commission activities or lack of activities in Congressional hearings and debates.

Of course, Congress can realistically be accorded some of the blame for much of the criticism aimed at the FCC. Responsibility can be assessed against the Congress for its failure to provide definite guides and standards for the Commission to follow. In our defense, however, let me say that the field of broadcasting, however important, is but one of the many things requiring the attention of the Congress, the Commerce Committee and the Communications Subcommittee. There are literally thousands of bills and important issues that command the time and the consideration of the Congress, so that it is something of an impracticality to assume the constant watchdog role to the Congress for something an agency of the government should be doing.

If the FCC does not have the authority or the tools it needs, it should come to the Congress and ask for them. We can and we should give general guidance, but the Congress is not equipped either with the time or the talent to run the everyday operations of a government agency or department.

The Congress, in 1966, had litte legislation of major interest to the broadcasting business, except for rather lengthy hearings regarding community antenna television, a subject which a West Coast Circuit Court judge recently classified as a "gory mess." As much as I hate to open up that can of worms again, I believe that the Congress must give thoughtful and careful attention to this fast emerging new field and lay down some general guidelines. This will not be an easy task, for not all the problems are black and white, if you radio people will excuse the expression. There are many shades of gray that complicate an already complex situation.

Yet it is the duty and the responsibility of the Congress to establish basic principles for the operation of community antenna television services, while insuring the continuation of a healthy, viable local broadcasting system. We cannot and we should not let the courts assume all of this burden, if for no other reason than that litigation can take years to determine proper areas of responsibility and liability. Meanwhile, CATV and broadcasting are groping in the dark, awaiting some light to be shed on the confusing subject.

The 90th Congress, and the broadcasting industry, can reasonably expect a number of interesting and challenging legislative and regulative issues to arise.

One that you have heard a lot about and talked a lot about yourselves is not exactly a new controversy, but one which has recently been placed closer to the front burner. That one is editorializing.

This subject has been kicked around for years—or since the "second Mayflower decision" 19 years ago. Earlier this month, my friend Vince Wasilewski, in a speech to a joint session of the North Dakota Legislature, sounded the NAB call to arms, saying in

effect that he had "rather fight than switch" the right of broadcasters to editorialize.

If Congress should tell broadcasters to stop editorializing, Vince said, "it would destroy broadcasting not only as an instrument assisting in the formation of public opinion, but even as an effective conduit of political news." Vince might have used a slight "overkill" in his pitch to the North Dakota legislature, for broadcasting had been around for years before the industry came slowly and deliberately to the recognition of the responsibility of editorializing. Still, Vince voiced a serious concern for a serious attempt on the part of some to restrict or limit the broadcasting of editorials.

Actually, the Communications Act of 1934 does not have any specific provision which sets forth Congressional policy towards broadcast editorializing. Neither does it specifically permit or prohibit broadcast editorializing, or lay down any ground rules for such activity.

The FCC tried to deal with the problems of editorializing first in 1941 in the first Mayflower decision by applying the general provisions of the Act, that a broadcast license may be granted only if it serves the public interest, convenience or necessity. The Commission construed that provision as precluding broadcast editorializing by licensees because the Commission felt that licensee editorializing could not be reconciled with the interest of the public in having broadcast operations conducted fairly and impartially.

Later in its Report of 1949, after extensive hearings on the subject, the Commission reached the opposite conclusion and determined that licensee editorializing was compatible with the public interest, provided licensees would affirmatively aid and encourage the airing of opposing views.

What this means is that the Commission construed the statutory language of an act of Congress to reach diametrically opposite results. Consequently, I think that the Congress does have a responsibility in the exercise of its oversight function to examine the practices and policies and consider the possible need for further clarifying legislation.

It is my conviction that the broadcast industry has not only the right to editorialize, but often it has the responsibility to do so. But, in so doing, I also feel that the broadcaster should observe basic rules of fairness as generally prescribed in the Communications Act, that broadcasters must operate in the public interest.

Few arguments can be made against the application of good faith judgment in airing controversial issues. Broadcasting stations are licensed to serve the public and not for the purpose of furthering the private or selfish interest of individuals. Certainly, it does not serve the public interest, for example, to allow a one-sided presentation of political issues of a campaign.

Incidentally, politicians think there are but two kinds of voters: Those who will vote for your candidate and a lot of ignorant, prejudiced fools.

The Old Radio Commission many years ago came to this conclusion: ". . . there is no room for the operation of broadcasting stations exclusively by or in the private interests of individuals or groups so far as the nature of programs is concerned. There is not room in the broadest band for every school of thought, religious, political, social and economic, each to have its separate broadcasting station, its mouthpiece in the ether. If franchises are extended to some, it gives them an unfair advantages over others, and results in a corresponding cutting-down of general public-service stations. It favors the interests and desires of a portion of the listening public at the expense of the rest. Propaganda stations (a term which is here used for the sake of convenience and not in a derogatory sense) are not consistent with the most beneficial sort of discussion of public questions. As a general rule, postulated on the laws of nature as well as on the standard of public interest, convenience, or necessity, particular doctrines, creeds, and beliefs must find their way into the market of ideas by the existing public-service stations, and if they are sufficient importance to the listening public the microphone will undoubtedly be available. If it is not, a well-founded complaint will receive the careful consideration of the Commission in its future action with reference to the station complained of."

Generally speaking, this has been the attitude of both the Commission and the majority members of Congress with respect to broadcast editorials. Yet, with the end of each campaign season and the rising number of stations amplifying their views and comments on issues, renewed proposals of editorial bans or restrictions are raised anew.

Another issue that probably will get attention in this Congress is the handling of election results. This, to me, is an ironic twist, for the first formal broadcasting is considered to have begun on November 2, 1920, by KDKA in Pittsburgh. And the subject of that first formal broadcast was the returns of the Harding-Cox election campaign.

Contrary to network studies, some members of Congress advance the proposition that forecasts of elections influence the voters and suggest that election coverage and the projection of winners be shut off until the polls close.

Of course, Congress can ascertain whether a broadcast station is a propaganda outlet for canned material bolstering the political philosophy of some tax exempt institution or bolstering the concealed economic interests of those in control of the station.

I think that there will be more, not less, scrutiny of electronic journalism in the future. This is only natural, I feel. For Congress has consistently and increasingly looked upon public broadcasting as a powerful moulder of public opinion and a potential instrument of political power.

This is the reason that every year since the passage of the Communications Act, bills and resolutions have been introduced in the Congress relative to monopoly in broadcasting. The Congress, historically, has been more concerned with the problems of monopoly in broadcasting than with any other facet. It is my opinion that the 90th Congress might very well take another look at this area. There is, and should be, a growing interest in Congress in the changed pattern of station ownership, with a growing number of corporate conglomerates that now hold broadcasting licenses. The ITT-ABC case has emphasized the possible need for further legislation in this field.

In the early years of radio, ownership of a radio station was more of a personal thing and until recent years, a man was expected to go through details of application before operating a station. Now, the expansion is done by purchasing stations through a license transfer procedure at the FCC that is usually brief and perfunctory. This has brought on buying and selling of licenses by organized brokers, who get the FCC rubber stamp of approval. This area might well be looked into to determine if the public interest is impeded.

One issue that may well come before Congress soon is one wrought by our tremendous advance in technology. The question of a domestic communications satellite system is almost certain to get Congressional attention. The Congress surely will be asked to reexamine the questions of the control and operation of the earth stations.

Speaking of technology, a man walked up to a vending machine and put in a coin. He pressed the button labeled "coffee, double cream, sugar." No cup appeared, but the nozzles went into action, sending forth coffee, cream and sugar. After the proper amounts had gone down the drain, the machine turned itself off.

"Now, that's real automation!" the man exclaimed. "This thing even drinks it for you."

The growth of the broadcast industry also has brought on a problem that must be dealt with soon, and the sooner the better. This is the problem of the electromagnetic frequency spectrum. We must give this problem the attention it deserves, for we are simply running out of space in the airwaves, which is in reality one of our great natural resources. In considering the allocation or reallocation of the spectrum, we must realize that over 80 per cent of today's uses of the spectrum have been put into operation since the end of World War II. This is a concern for both public and private broadcasters, and especially for the mobile land users, for the spectrum is a silent partner to all of our national enterprises. More research into this problem is vitally needed to conserve this resource and to produce new channels of communications for our growing population.

Educational television is another subject for continued and increased attention. The development of ETV should be stimulated and the private sector should be encouraged to work in partnership with the public sector in its development. President Johnson indicated in his State of the Union message to the Congress that his administration was committed to the advancement of ETV. He told the Congress that he would submit proposals to us on this subject and I will withhold any comment until I have seen his suggestions. It is my personal feeling that educational television has great potential for the enrichment of our educational, cultural and social well-being, but as yet we have barely scratched the surface.

Then, of course, we will continue to hear complaints and suggestions and even proposed legislation about advertising and commercials. And, these will run the spectrum of length and frequency, rates and discounts, volume and so forth.

You may have seen the results of North American Newspaper Alliance's weekly TV poll, which I noticed in the Washington Star a few days ago. Even so, the results are worth repeating. Some 95 per cent of those responding to this poll want controls on television commercials and more than half, 52 per cent, want the government to do it.

Many of those responding say that they are basically opposed to more government control, but they want more regulation of the frequency, length, volume and content of the commercials.

I believe you know that the Congress is made up of politicians, or those who were good enough politicians to get elected and that the only way to get elected is to have more people vote for you than the other candidate. It is logical to assume that if 95 percent of the people want something through their elected government, they stand a pretty good chance of getting it. All that needs to be said on that score is, "heal thyself" before Congress heals it for you.

There are other winds stirring in Washington that effect advertising, a $16 billion business of which you in the broadcast field have a large stake in. There are some individuals and agencies of the government and some individuals in the Congress who are determined to make basic changes in the market place and their ideas, if carried to fruition, will have a definite bearing on your own business.

For instance, the Justice Department wants new sources—sources other than advertising—of information on products for public use. This would be government-sponsored consumer reports. Donald Turner, Chief of the Justice Department's Anti-Trust Division, would develop counter influences to advertising, since he feels that advertising restricts trade and creates artificial monopolies.

Mrs. Esther Peterson, the President's ad-

viser on consumer affairs, would effect great changes on advertisers, by making ads more specific.

Ad discounts, trading stamps, pricing of private brands and many other areas in the advertising and promotion field are getting close, hard looks in Washington and all of these could have a direct bearing on your advertising departments.

And, most of you are undoubtedly familiar with the proposal made recently by Senator Warren Magnuson, Chairman of the Senate Commerce Committee. Senator Magnuson said just last week that the cigarette industry must give up broadcast advertising or work with the networks to provide public service time for education about smoking and health. He would place a ban on cigarette advertising, he says, because a law passed in the last Congress which placed a warning on all cigarette packages and containers has not proved adequate in getting smokers to quit smoking.

The advertising moratorium Senator Magnuson wants for cigarettes is contrary to the very basic concepts of democracy. For all that the Surgeon General's Report on Smoking and Health contained, there is not yet any documentary evidence that cigarette smoking is the cause of lung cancer, emphysema or any other major illness. There is only suggested a causal relationship. To this date, no one has offered any documented proof of inducing cancer in any animal or human by the inhalation of cigarette smoke. But, without a fair trial, the Senator from Washington would hang not only the cigarette industry but the advertising industry along with it.

Thus, would Senator Magnuson kill well over $200 million worth of cigarette advertising each year—for radio and TV commercials alone. This figure represents only the six major cigarette producers.

Not only is this a drastic punitive measure against an industry that so far has been found guiltless, but it is ludicrous to think that an advertising ban will prevent cigarette smoking. Surely, the Senator must remember the results of the liquor prohibition attempt and the creation of speakeasies and bootleg booze.

NLRB MILESTONE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, tomorrow, a voter symbolic of the 25-millionth vote cast in representation elections under the National Labor Relations Act will be honored in ceremonies here in the Nation's Capital. The occasion will also be marked by ceremonies in cities in which regional offices of the National Labor Relations Board are located.

The use of the secret ballot to determine the wishes of workers as to which, if any, union will represent them for purposes of collective bargaining is a far cry from the numerous and oftentimes violent strikes, picket lines and sitdowns for union recognition which took place in the early 1930's before the passage in 1935 of the National Labor Relations Act. The contrast between today's peaceful resolution of questions of representation and yesterday's tempestuous resolution is the difference between industrial democracy and industrial anarchy.

In these past 31 years, some 200,000 elections have been conducted by the NLRB. These elections follow the principle of majority rule. If a majority of employees in a bargaining unit vote for a union as bargaining representative, it becomes the agent for all employees in the unit. If, on the other hand, less than a majority vote for representation, there is no bargaining agent and a year must elapse before another election can be held.

The election procedures of the National Labor Relations Act have paid off handsomely in the form of industrial peace. Before these procedures were established in 1935, almost half of the labor disputes in the country had as a major issue union recognition and other aspects of the right of workers to organize. Today recognition and organization are issues in a very small number of labor disputes; in 1965, less than three one-hundredths of 1 percent of man-days lost by strikes arose from disputes involving these issues.

Mr. Speaker, it is my privilege to join in paying tribute to the National Labor Relations Board and the 25-millionth voter on this significant milestone in the Board's 31-year history.

CASTING OF THE 25 MILLIONTH VOTE SINCE PASSAGE OF THE NLRB ACT IN 1935

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, tomorrow on March 2 the National Labor Relations Board commemorates the casting of the 25 millionth vote in the secret ballot elections it has conducted since passage of the National Labor Relations Act in 1935.

Members of the Cabinet and other distinguished speakers will participate in a morning program at the Department of the Interior and a luncheon here on the Hill will follow. That evening there will be a reception at the Department of State. It is a unique salute to the NLRB election process that the hosts at the reception will be the AFL–CIO and the National Association of Manufacturers. Indeed it augurs well, I believe, for the future of stable labor relations to find these organizations joining in tribute to the election process by which working men and women can vote to express themselves as to whether they want a union to represent them in collective bargaining with their employers.

I was pleased to learn that an election in my own State was the one in which this historic ballot was cast. Mr. Leonard Paul Scheno of Carteret, N.J., who was designated by the NLRB to symbolize the 25 millionth voter, exercised his franchise in an NLRB-supervised election in which employees of the new Reynolds Metal Co. aluminum can manufacturing plant at Woodbridge, N.J., selected the United Steelworkers of America, AFL–CIO, to be their collective bargaining representative.

The fact that 25 million working men and women have given free voice to their aspirations for a better life for themselves and their families cannot but remind us that before passage of the act sponsored by the late Senator Robert F. Wagner, of New York, violence, even death, often accompanied efforts by employees to win the right to speak for themselves about the wages they will be paid and the conditions under which they are employed.

Congress provided a ready and reasonable way—a peaceful way—for them to express their opinion. They have done so by the millions and the Nation is sounder economically for their having done so. Free collective bargaining is essential to a free and healthy economy. Responsible management and labor have few restraints upon them in this country. This is as it should be in a political democracy which insists that the men and women who produce our abundance should know and exercise industrial democracy to the fullest.

SELF-INCRIMINATION

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. HATHAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HATHAWAY. Mr. Speaker, the editors of the Washington Post perceptively point out that the students of Stanford University condemned their own conduct by yelling "Shame, shame, shame," as they tried to mob the Vice President on his recent visit.

The Post's editors go on to decry the Stanford incident as "the kind of violent intervention in disciplined debate that the world grew accustomed to in Germany during the rise of nazism." They assert that nothing is more likely to diminish or impair the right to orderly dissent than the emptyheaded, irresponsible, irrational disorder of such demonstrations.

The article warns that if our universities cannot assure safe conduct for the Government officials who visit their campuses, prudent public men will have to decline such appearances.

I believe that the Post's comments will be of interest to my colleagues and I make them a part of the RECORD:

[From the Washington Post, Feb. 22, 1967]

SHAME! SHAME! SHAME!

The students of Stanford University who tried to mob Vice President Humphrey were right to cry "Shame! Shame! Shame!" They have uttered the precise reproach that their conduct deserves. And it is a reproach that is deserved by everyone who resorts to physical violence in a democratic society, where other means of dissent exist.

Those who are governed by a domestic or foreign tyranny sometimes have no other means of making known their resentment at

governmental policy. Those who enjoy every right of freedom that our society can confer must be required to confine their methods of protest to those that are orderly and parliamentary.

The Stanford students deserve reproach because they were threatening the second-ranking constitutional officer of this Republic, and that is indefensible enough. But they deserve it, in addition, because their disorderly behavior is the typical anti-intellectual response to orderly discussion. It is the kind of violent intervention in disciplined debate that the world grew accustomed to in Germany during the rise of Nazism. The first resort of a sterile anti-intellectual fringe in a country is to rowdyism. No group in this country ought put a higher value on the right to orderly dissent than those who have a minority antigovernmental view to express. And nothing is more likely to diminish or impair that right than the empty-headed, irresponsible, irrational disorder of such demonstrations.

Citizens of this country differ about many governmental policies. And they have a right to express that difference. They have a right, moreover, to try to organize other citizens so that they may attempt to make their minority view the majority view. They do not have the right to send their roughnecks, rowdies and storm troopers into the streets or meeting places to intimidate those with whom they do not agree.

If universities and colleges cannot assure officials of the Government or other citizens of safe conduct on their campuses, the orderly debate of public issues will have to take place on other forums and prudent public men will have to decline appearance in an environment where orderly discussion is not possible.

THE 25 MILLIONTH NLRB VOTE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mrs. MINK. Mr. Speaker, on March 2 the National Labor Relations Board commemorates the fact that since passage of the National Labor Relations Act in 1935 more than 25 million workers have voted in NLRB secret ballot elections. Ceremonies that day in Washington will be followed by programs throughout the country in tribute to the voting process by which employees can determine without coercion or intimidation whether they want to be represented by a labor organization in dealing with their employers concerning their wages, their hours, and their conditions of employment.

This meaningful demonstration of industrial democracy in action, in which some 90 percent of the eligible voters cast their ballots, has been made possible because the agency charged by Congress with the responsibility of conducting the balloting has not only taken every precaution to guard the secrecy of the ballot but to assure the widest possible exercise of the franchise by an informed electorate. Notices of election, notices of statements of employee rights, and ballots have been printed in 14 different languages and the ballot box has been taken into factories, offices, retail establishments, and mines—even aboard ships—in all 50 States and to Guam and Puerto Rico.

More than a half million working men and women vote in about 8,000 of these NLRB elections each year and no test of politics, race, creed or of any other such nature is applied. If they work, they vote.

Self-expression through these votes opens the door for responsible management and labor to bargain about the livelihood of those upon whom our industrial vigor depends. Good faith collective bargaining leading to labor contracts is a procedure encouraged and protected by Congress. It is economically sound. Of no less importance is the contribution that industrial democracy makes to the sense of well-being and to the dignity of the men and women who produce our national abundance.

THE PRESIDENT'S MESSAGE ON EDUCATION AND HEALTH

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mrs. MINK. Mr. Speaker, I rise to express my unqualified approval of the President's 1967 education proposals outlined in his message on education and health in America presented on the floors of Congress yesterday. His thoughtful and persuasive remarks focus upon areas of great need; they sensitize us to these demands and point to the continuation of the fine record in education legislation begun by the 89th Congress. I laud President Johnson's call to further build programs which have proven their worth after only a few years of existence; I commend his emphasis on quality, an ever-present goal toward which we strive in order to provide maximum opportunity and self-fulfillment for every individual in America.

I specifically point to the President's recommendation for an Education Professions Act and his statement that the work of an enriching education "finds its focus in a single person: the classroom teacher, who inspires each student to achieve his best."

The teacher is indeed the focal figure in the school system; he is the very heart of our educational effort, and I am pleased to call attention to this facet of the President's proposal which closely parallels one of my major legislative concerns. President Johnson clearly calls for a massive coordinated program for the training and improvement of teachers. My own Teachers' Sabbatical Leave Act, reported out of the Committee on Education and Labor in the 89th Congress and reintroduced in the 90th as H.R. 3372, is designed to authorize a program of Federal financial assistance in order that teachers return periodically to college on a full-time basis to renew their knowledge and skills.

At present, there are NDEA Summer and Academic Year Institutes, National Science Foundation Institutes and fellowship programs, and a limited number of experienced-teacher fellowships available under title V of the Higher Education Act of 1965. All are fruitful means of professional improvement; yet as President Johnson has termed, they are fragmentary in their total effect.

My sabbatical leave program would enable thousands of teachers throughout the country to return to school without the subject matter limitations of most present opportunities. Such a program would also help answer the President's call for replacement of uncertified teachers. Many school districts, short of qualified teachers, are forced to hire persons lacking credentials; consequently, they remain in the classroom, and in many cases do not have time to finish courses which would add to their skills and enable them to meet certification requirements.

My bill carries a provision for 50 percent of the Federal program to be directed at teachers lacking the baccalaureate, and thus relates to the President's concern for the shortage of qualified teachers. I truly believe that a most significant advance in education this year will be made if expanded opportunities are provided for that most significant figure in the schools of our Nation—the classroom teacher.

I am also grateful for the President's desire to expand the Teacher Corps. Increasingly, school systems are eager to enlist the services of these dedicated volunteers. On February 15, I called my colleagues' attention to the effectiveness of the Teacher Corps in my State of Hawaii and asked for support of the President's $12.5 million supplemental appropriation as well as the $36 million he is asking for 1968.

The work of the Teacher Corps closely parallels that of the Neighborhood Youth Corps and work-experience programs in its goals of reducing the dropout rate and returning students to school for the completion of an education. I am pleased to see the President's emphasis on these vital programs. We acted last year to earmark increased funds for work-experience programs, and I am certain we will support the President once again in order to maintain this important national effort being made to salvage potential failures in our schools.

I note with appreciation the President's emphatic statement of support for the guaranteed loan program for college students which already fulfills a need in Hawaii most effectively. Banks and credit unions are cooperating to make loan funds available, thus opening doors of higher education to many young people who otherwise would not be able to continue their schooling.

I intend to fully support the President in his call for $44 million for Adult Basic Education, another extremely valuable program for the State of Hawaii. It is vital that we continue this program which provides adults with the opportunity to be more fully assimilated into American life.

Nor did the President neglect important new developments in technology and their implications for the future of education. Most school systems trail far

behind the world of business; they fail to adapt new machines designed to facilitate their procedures and purposes. I am pleased to note the call for initiation of Federal research in the use of computers. The broad-scale approach to noncommercial television, which I regard as the major innovation in the President's message, is a subject to which we will be giving serious thought in the coming months. Television has too little been used as a medium for the exchange of ideas; too seldom has it been used for the dissemination of knowledge to all Americans.

The President's recognition of such a technology gap is significant, and his proposed Public Television Act of 1967 is a meaningful step toward the upgrading and expansion of our national educational potential. We speak of man's being subdued by machines; yet we fail to adapt the machine for the enrichment of human life. I believe President Johnson's statements provide us with guidelines that merit our earnest attention and study.

The benefits of Headstart to primary classrooms and the emphasis on research in and preparation of teachers for the handicapped are not to be overlooked. Surely it is time for massive Federal effort in these directions.

Finally, I commend the President's request for appropriations for international education to provide the necessary culmination of actions begun in the 89th Congress. As a member of the Task Force on International Education last year, I was made fully cognizant of the nationwide deficiency of courses centering upon international relations and their consequent effects upon our foreign policy. I am pleased to note the President's affirmation of support. I hope that we will continue to build our educational potential here.

Mr. Speaker, the President's message can only be regarded as an encouraging sign of his continuing commitment to education. These positive and imaginative guidelines emphasize what must be considered the first work of these times. They provide us with outlines leading to an understanding of contemporary education and the directions it will take. In this decade the possibilities for development and fulfillment of each person's promise challenges us to assess our hopes and desires and then to take responsible and forceful action to meet the onrushing future. President Johnson speaks to that future in his message and clearly delineates our task in the coming months. The goals are attainable and demand a like commitment from each of us as we widen our horizons and look hopefully ahead to a brighter future for all mankind.

PX OPERATIONS IN VIETNAM ARE A CREDIT TO THE DEFENSE DEPARTMENT AND OUR SERVICEMEN

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. STRATTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. STRATTON. Mr. Speaker, for some time there have been recurring stories reporting what would appear to be a scandalous black market in U.S. post exchange supplies in Vietnam. My own impression has been that these stories have been greatly exaggerated. I was pleased, therefore, the other day to run across an article on this subject by an author for whom I have great respect, Brig. Gen. James D. Hittle, U.S. Marine Corps, retired, director of national security and foreign affairs, Veterans of Foreign Wars of the United States. His column is circulated nationally by the highly respected Copely News Service.

General Hittle's report comes at a very appropriate time and helps to put some of these earlier press accounts into better perspective. He maintains that there is no PX scandal. Rather, General Hittle says, the control by our military officials and the overall conduct of our military personnel in connection with post exchange items in Vietnam should receive our commendation, not our condemnation.

I believe Members of the House will be reassured, a I was, to read General Hittle's conclusion that—

> The handling of our PX supplies under the extremely difficult circumstances existing in Vietnam has reflected credit on the Defense Department organizationally, and on our servicemen individually.

Under permission to extend my remarks, I include the text of the article by General Hittle from the San Diego Union of January 15, 1967, entitled "Color Marketing of Vietnam GI's Slightly Gray":

HABIT IS "GIVEAWAY"—COLOR MARKETING OF VIETNAM GI'S SLIGHTLY GRAY

(By Brig. Gen. James D. Hittle)

WASHINGTON.—Once again the U.S. fighting man is the target of unjustified criticism.

This time it is the sensational reports of rampant black marketing of U.S. military post exchange (PX) supplies in Vietnam.

Some of the stories create the impression that the U.S. troops are freewheeling, profiteering peddlers of goods straight off the PX shelves.

This is not what investigators, dispatched from Washington to check the reports of mismanagement and black marketing of PX supplies, discovered.

UNDER 3 PERCENT

They found that, contrary to some news accounts, the extent of black marketing in Vietnam is remarkably limited. They found out that pilferage of PX supplies is running less than 3 per cent and is expected to go even lower with the new controls being set up by U.S. officials. Considering the speed and size of the U.S. buildup in Vietnam such a low pilferage rate indicates surprisingly good control of shipping and distribution of PX items, generally items which are in such demand in Vietnam's war-torn economy.

It is all the more remarkable when compared to loss by pilferage in more peaceful and stabilized areas of the world where U.S. forces are stationed. In Africa, for instance, our PX pilferage losses are 2.7 per cent. In spite of local difficulties, Africa certainly is not an active combat theater.

Even in our department stores in the United States, protected by public and private police, electronic alarms and hidden TV cameras, the pilferage rate is about 1.5 per cent. That is half the theft-loss of PX supplies under war conditions in Vietnam.

Such comparisons make the PX system in Vietnam look all the better.

LEGAL SALES

Of course, pilferage is not the only way PX items can find their way illicitly into the black market. It can be done by resale of goods purchased in the PX. Some stories from Vietnam suggest this is a widespread practice with our servicemen clearing big profits from such black market operations.

If there were much of this reselling going on it would be reflected in the size of the black market in PX supplies. Here again, the investigators came up with findings that indicate stories of profiteering by our troops have been highly exaggerated.

For instance: The investigators quietly made three separate surveys of the stocks of PX supplies available in Saigon's highly publicized black markets on Tu Do Street. These stocks, of course, would include PX items that found their way to the black market by pilferage or resale. After what amounted to "an unofficial inventory of Tu Do Street's black market, the investigators said that all the PX supplies there could be bought for between $12,000 and $15,000."

That is not much of a Saigon black market in post exchange items, considering that the post exchange sales in Vietnam are running close to $20 million this year.

GENERAL'S RULE

Stories of the alleged black market seem to overlook, also that PX supplies can get into the hands of the Vietnamese by legally authorized means. With his usual common sense, Gen. William Westmoreland has approved regulations permitting U.S. servicemen in Vietnam to give away $10 worth of nonrationed PX items each week.

This discourages blackmarketing. Also, by making it possible for the generous fighting men to give needed small items like soap and candy to the Vietnamese, it helps establish better relations between our forces and the Vietnamese at the rice paddy level.

When the facts are known, the "great PX black market in Saigon" is not a scandal after all. Rather, the handling of our PX supplies under the extremely difficult circumstances existing in Vietnam has reflected credit on the Defense Department organizationally, and on our servicemen individually.

ENDANGERED SPECIES PRESERVATION ACT

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DINGELL. Mr. Speaker, on February 27, 1967, I introduced H.R. 6138, a bill designed to prevent the importation of endangered species of fish or wildlife into the United States, and to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law.

The 89th Congress enacted the Endangered Species Preservation Act (Public Law 89–669), providing the Secretary of the Interior with authority to conduct a comprehensive program to conserve, restore, and propagate endangered species of native fish and wildlife. The Secretary now has underway various measures which enable us to look with confidence

toward the continuation of our bountiful fish and wildlife heritage in this country.

It is my view, however, that legislation is needed which would authorize the United States to participate in the international effort to extend protection and assistance to endangered species of vertebrate animals throughout the world. A portion of my bill is designed to provide such authority.

Within the next few decades, unless immediate and vigorous action is taken, some of the most interesting and famous creatures the world has produced during the millions of years of evolution will become extinct. The International Union for the Conservation of Nature and Natural Resources has listed more than 300 species or subspecies of birds, and more than 200 mammals, as being rare and endangered throughout the world. In addition, there are many fishes, amphibians, and reptiles that are endangered. The total number of endangered vertebrates, according to the World Wildlife Fund, is about 1,000; and about one species of animal a year crosses the threshold to oblivion.

Many species of animals are in dire straits because their skins are in demand as luxury furs and status symbols. These include spotted cats, and zebras. Wild pigs as well as alligators and other reptiles are killed wantonly to provide leather for specialty and decorative wearing apparel. Monkeys and other primates are captured for medical and pharmaceutical research. Rhinos are slaughtered senselessly, their horns removed, and their carcasses left to rot. Many species of rare and beautiful tropical fish have been decimated to supply an ever-increasing market with aquaria fish. The demand for leopard skins to supply the fad for leopard skin coats has attracted a hoard of profit-seeking poachers into Africa. The leopard is ominously reduced in numbers and may be wiped out in a few years unless something is done to stop the slaughter.

A new type of white hunter has emerged. He is an entrepreneur who hunts only for an African or Asian middleman. The middleman has no difficulty finding natives willing to poach. The poacher runs no great risk anyway, for he is hard to catch and when caught faces very little real punishment. The poachers' pay is low, but the entrepreneur can boast earnings as high as $50,000 a year.

The developing countries, with their limited resources, find it difficult to stop this illegal trade. On the other hand, nations such as the United States, with laws banning the importation of animals or animal products illegally exported from their land of origin, find the laws virtually unenforceable since there is no way of telling whether a particular leopard skin or other animal part was exported legally or not. Action to ban or limit imports of endangered wild animals or products would strike at the poachers' incentive to crime and would put new difficulties in their way.

Many of the emerging nations look to us for guidance and for example in natural resource husbandry. Many of the countries of the Western Hemisphere, including Brazil, Peru, Ecuador, and Argentina have officially declared to the Organization of American States that certain of their species are in danger of becoming extinct. The 1940 Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere attaches special urgency to endangered species. The United States ratified this Convention in 1941, and it was proclaimed by the President in 1942. H.R. 6138 will help implement this inter-American treaty and will go further—to help save threatened animals in Asia, Africa, and Europe as well.

My bill also extends Federal protective law to curb interstate traffic in alligators and certain other animals taken and transported in violation of Federal, State, or foreign laws. The State fish and game directors of the southeastern States have long urged the Congress to assist them in stopping the million dollar a year alligator poaching racket. There is also illegal traffic in frogs and baby alligators as well as in alligator hides. Existing law makes it a Federal offense to transport in interstate traffic illegally taken wild mammals and birds. My bill extends the law to cover reptiles, such as alligators; amphibians, such as frogs; mollusks, such as oysters and clams and, crustaceans, such as lobsters and crabs.

This bill also contains enforcement and penalty provisions with respect to importation and interstate commerce in injurious or illegally taken wild animals.

TRIBUTE TO JEANNETTE RANKIN

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. OLSEN. Mr. Speaker, I would like at this time to join with my colleagues in their comments on woman suffrage. I think it is appropriate and necessary that I speak on this subject because our very distinguished former colleague, Miss Jeannette Rankin, represented my district in Montana.

I wish to dwell on this because Miss Rankin is a woman of very outstanding courage. She is presently residing in Georgia but, Mr. Speaker, we are proud of her in Montana, and we are particularly proud that she was a courageous person on her own points of view.

Miss Rankin was elected at large in Montana in 1916. She was here in the session of 1917, and was one of the very few who voted the conviction of being against World War I. For that she was severely punished by her own political party, and generally by the voters of Montana. But she maintained her lovely personality. She did not become embittered. She again attracted the love of her constituency, and they returned Miss Rankin to Congress in the general elections of 1940. At that time again the question of going to war was before this House, and again Miss Rankin voted against going to war, being the sole Member of Congress to have done so.

Mr. Speaker, I would like to say that I greatly admire Miss Rankin, although I do not agree with her particular viewpoint, but I do greatly admire a person who, in the face of knowing what would happen to her political career, would here on this floor vote her convictions, and stick steadfastly with it on a second occasion.

Mr. Speaker, I am particularly happy that the ladies of the House of Representatives have taken time in Congress to pay tribute to these women. I believe if we had more women here we would have more compassion for our fellow human beings, just as did Mrs. Jeannette Rankin. I, for one, would like to be able to stay in this House long enough to see more women here, and see that that does happen, and that the Congress will have even more compassion for our fellow human beings.

Mr. Speaker, I include at this point a feature article in the Washington Post, February 28, by Marie Smith, which tells of a recent interview with Miss Rankin who now resides in the State of Georgia.

FIRST WOMAN IN CONGRESS: HER PIONEER SPIRIT STILL FLAMES

(By Marie Smith)

While the House of Representatives celebrates the 50th anniversary of the arrival of the first woman in Congress today, that woman, Jeannette Rankin, is pioneering in a new field in Georgia.

The 86-year-old, silver-haired Miss Rankin, a Republican who was sent to Congress from Montana in 1917, is "working on a cooperative homestead for unemployed homemakers" on her farm at Watkinsville, Ga.

The 50th anniversary of her arrival is being celebrated early by the House today jointly with the birthday of another battler for woman suffrage, Susan B. Anthony, whose birthday was Feb. 15.

Miss Rankin sent a telegram to Rep. Frances Bolton (R-Ohio) yesterday extending greetings to the 11 women members of the House who are expected to participate in today's speechmaking celebration.

In an interview yesterday Miss Rankin talked enthusiastically about her new project but confessed nostalgically, "I'd run for Congress now if anybody wanted me to. I'd be just as impudent as old people are supposed to be," she said.

And if she had her life to live over, she'd still vote against the United States' declaration of war on Germany as she did at 2 a.m. on April 5, 1917, her second day in Congress and her first vote on an issue.

"That was the first vote ever cast in Congress by a woman and 55 men voted with me," she recalled.

Elected to Congress for a second term 24 years later, on Dec. 8, 1941, she cast the solitary "nay" in the vote of war against Japan. Immediately afterward she fled from the Republican cloak room and hid herself in a telephone booth to escape from reporters.

When the declaration of war with Germany and Italy was made on Dec. 11, Miss Rankin voted "present", and on June 3 of the following year when Congress declared war on Rumania, Bulgaria and Hungary, her pacifist resistance was so worn down, she failed to appear for the roll call.

She is still just as firmly opposed to war. Of the current conflict in Vietnam, she said "I think we ought to get out as soon and as gracefully as we can."

She has no plan for how it should be done, but said, "We should announce we're going to get out and then make plans for doing it."

Active despite her age, Miss Rankin is serving as her own contractor in building a "cooperative homestead" for unemployed

homemakers. The ten-bedroom and ten-bath structure with a community kitchen, dining room and living room, is not for domestic workers, she explained, but "mothers whose children have grown up and left them alone."

In the cooperative homestead, where she will let them live for $15 a month rental, "they'll manage like a family. Women with low incomes can manage it with dignity and pride."

She will select the first ten from people who make application for residency there, and then let them make the selections for any vacancies that occur thereafter. Miss Rankin herself lives in a farmhouse a couple of hundred feet away. She shares the house with a pet dachshund named Sam.

Miss Rankin has very definite opinions on politics, especially the election of members of Congress and the President. She thinks there should be larger districts with more than one representative elected from each district. "This way the minority can be represented," she said.

Miss Rankin advocates also a "direct election for President. Let everyone run who wants to run and let everyone vote. This way the people could make a second and third choice." She is opposed to presidential primaries, although there could be a primary for the platform for each party, and candidates could adopt the platform they chose.

"I wish I had the means to propagandize my plan," she said with a sigh.

The sprightly octogenarian said she doesn't have any choice for the GOP presidential nomination next year but in her opinion Senator Everett McK. Dirksen (R-Ill.) is the most distinguished living Republican today. "But I was in Congress before his day," she added. "I knew him well in my second term (1941–42)."

Miss Rankin regrets both her terms in the House were during wartimes. She feels as a result the humanitarian legislation she introduced didn't have a chance. She said yesterday she introduced the "first bill authorizing free instruction in hygiene in maternity and infancy" which was introduced by someone else in a later Congress and enacted; and she introduced the first "independent citizenship for women" bill.

Miss Rankin was born on a ranch near Missoula, Mont., where she still spends her summers. Her father was John Rankin, who entered the state in the late 1860's, and worked as a contractor and boat builder. Her mother was a schoolteacher from New Hampshire.

She was graduated from the University of Montana at the age of 22 and in 1908–09 attended the New York School of Philanthropy. While in New York she became interested in woman suffrage.

Later she was engaged in social service work in California and Washington state, and was subsequently chairman of the committee that waged the successful campaign to give women in Montana the vote.

In 1915 she went to New Zealand and took a job as a seamstress to learn intimately the problem of women workers. Upon her return to Montana the next year she filed her intention to run for the House of Representatives on the Republican ticket. She was elected and came to Washington to take her seat on April 4, 1917.

COLUMNIST CARL ROWAN URGES SUPPORT FOR THE TEACHER CORPS

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, columnist Carl T. Rowan recently wrote the following of the Teacher Corps:

The major school superintendents, mayors and other astute observers already have seen enough to conclude that the Teacher Corps offers something without which the anti-poverty program cannot succeed.

He goes on to describe the need to eliminate "the insidious hopelessness" which plagues the schools of poverty and which the Teacher Corps—with new teaching methods and enthusiastic, committed teachers—is helping alter.

Support for the Teacher Corps, he concludes, "can strike a blow for decency and dignity for a lot of long-neglected kids.

Mr. Speaker, the column by Mr. Rowan recently appeared in the Indianapolis Star. I insert it in the RECORD, and call it to the attention of my colleagues:

ARTICLE ON THE TEACHER CORPS FROM A RECENT ISSUE OF THE INDIANAPOLIS STAR BY CARL T. ROWAN

In Chicago's Shakespeare Elementary School one day last fall, 35 third graders were designated as "slow learners" and placed in a separate class.

These youngsters were already two years behind their classmates in reading and other schoolwork. The "experts" figured that by the eighth grade, they would be four years behind.

Then some teachers who had some extra time, extra skill and extra concern took a look at those 35 youngsters. Their conclusion: Given adequate, sympathetic instruction, all but two of these children can complete high school with adequate grades, make competent career decisions, and become responsible, self-supporting members of society.

The teacher team that cared, and took that extra look at 35 kids who, at the ripe old age of 9 had been consigned to failure, are part of the National Teacher Corps.

There are now 1,213 Teacher Corps members trying to carry that extra care, that special skill, that vitally needed imagination, into the slum schools of 111 school districts in our urban and rural slums.

They are hardly a token of what is needed in the Chicagos, New Yorks, and Hernando, Mississippis of America.

But the school superintendents, mayors and other astute observers already have seen enough to conclude that the Teacher Corps offers something without which the antipoverty program cannot succeed.

They know that if we cannot alter old processes where insidious hopelessness is drilled into 8- and 9-year-olds, that if we cannot educate these children and lift them above despair that engulfed their parents and grandparents, then there is no hope for our inner cities. And there is little hope that we can cut our relief rolls; or win any real victories over crime; or improve in any lasting way the relations between the races.

So, educators around the country are asking for three times as many Teacher Corps teams as they have. Whether they get them, or keep the ones they have, will probably be decided by a tall, gentle-natured Texan.

He is George Mahon, chairman of the House Appropriations Committee. Since the death of Rep. John Fogarty, the House subcommittee that must pass on President Johnson's request for additional funds for the Teacher Corps has been full of conflict, and is more anti-Great Society than it was before. Many vital issues in the fields of health, education and welfare may live or die by the margin of one vote in this panel. Thus Mahon's influence is likely to be crucial.

Probably he alone can remove from the "stepchild" category a program that has received effusive praise from a variety of people such as Jack J. Efurd, superintendent of schools in Gentry, Ark.; Mayor John V. Lindsay of New York City, and Alfred Gilpin, president of the Indian Tribal Council and a school board member in Macy, Neb.

Congressional enthusiasm for the Teacher Corps seemed widespread in Congress in 1965 when President Johnson proposed creation of a large force of idealistic young men and women who would supplement the staffs of slum schools. It was no secret to congressmen that many teachers shunned these schools. (An official in Boston recently proposed "combat pay" for teachers serving in certain slum schools.)

So the Higher Education Act of 1965 spelled out a program under which a team composed of one master teacher and several interns (often former Peace Corps volunteers who are paid $75 to $125 a week while undergoing intensive summer training) is assigned to schools to work with disadvantaged children.

Congress authorized $64,000,000 for the program for the fiscal year ending this June 30. It finally got around to appropriating only $7,500,000. The President has asked for a supplemental allocation of $12,500,000—or enough to train 2,500 more interns this summer.

That is what is before the subcommittee now chaired by Rep. Daniel Flood, D-Pa. And the President has asked $36,000,000 for fiscal 1968.

Richard Graham, director of the Corps, recently asked school districts for a frank appraisal of the program. Of the 79 reports received so far, 77 districts asked for more Teacher Corps teams, one was happy with what it had, and one district was critical of the personnel it received.

Not a bad record for a program that is being run on peanuts.

Mahon is under a lot of pressure to hold down spending. But he just might find the Teacher Corps a place where he can strike a blow for decency and dignity for a lot of long-neglected kids and still not get the feeling that he's bankrupting the treasury.

RIGHTING THE RURAL-URBAN IMBALANCE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RESNICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RESNICK. Mr. Speaker, on several recent occasions, Secretary of Agriculture Orville L. Freeman has spelled out the need to right the rural-urban imbalance in the United States.

In a speech to the National Association of Counties here in Washington on February 27, he said:

In a very real sense, the poverty problem of the cities is a problem transplanted from rural America, for the urban slums are peopled largely by displaced rural migrants who sought in vain to earn a living in the countryside and finally fled to the city in desperation.

(The cities') problem cannot be solved . . . until the out-migration from the country is slowed, stopped, and, hopefully, reversed. And this can only be done by bringing opportunity to the countryside.

Rural America has much to offer business and industry—the providers of jobs. Many rural communities have excellent communications and transportation systems. Most

have trainable labor forces. Some have adequate community facilities. All have clear air, space to grow, modest land costs, a frank need for more jobs . . . and an appreciation of them when they get them. I know that your communities—and the USDA's Rural Industrialization staff—are working hard to sell business and industry on the advantages of rural location.

If we are successful in this sales campaign, we can stop the outmigration from the country. We can hold people there with new jobs and new hope. We can stop the brain drain and the leadership run-off. We can make it possible for the people who *want* to live in rural America to stay there or to move there.

And in a speech at the Nation's Cleanest Town Achievement Conference in Washington on February 21, Secretary Freeman said:

I speak now of the urgent need to slow the exodus of people from the countryside to the cities. If we can stem that tide, we can give our crowded cities a little breathing room . . . and the lead time they need to assess where they are and where they want to go in the years ahead. The only way to stem that tide is to build opportunity into the countryside . . . for that is the only way we can hold people there.

There no longer remains a compelling reason why business and industry—and jobs—cannot be distributed equitably throughout America. And this one action alone—if enacted in substantial enough measure—would do a great deal to restore biological and esthetic balance to this nation.

Instead of building industry where people are—without considering whether they want to be there or even if it is good that so many of them are there—we must start to build industry and provide jobs where more people want to be . . . where more people ought to be.

Mr. Speaker, Secretary Freeman's voice is not crying alone in the wilderness. Many of us share his conviction. And foremost among us is the President of the United States.

On September 3, 1966, President Johnson addressed a centennial celebration in Dallastown, Pa. There he said, in part:

A few months ago, one of the poll-takers went out across the nation asking this question: "If you could live anywhere in the United States that you wanted to, would you prefer a city, a suburban area, a small town or a farm?"

Half of those polled said they preferred the small town or the farm. I didn't get asked any question in that poll, but you know where my vote would have been.

What does this mean at a time when more and more Americans are moving to our big cities? It means that millions of Americans feel deprived of a fundamental human right: the right to live where they choose . . .

Not just sentiment demands that we do more to help our farms and rural communities. I think the welfare of this Nation demands it. And strange as it may seem, I think the future of the cities of America demands it, too . . .

Modern industry and modern technology and modern transportation can bring jobs to the countryside rather than people to the cities. And modern government could also help.

I want to see more factories located in rural regions. I want more workers able to supplement their incomes by part-time farming—and more farmers working part-time in industry. I want those who love the land to reap all the benefits of modern living.

These statements by the President and Secretary of Agriculture emphasize the need for legislation that I shall introduce soon, to be called the Rural Opportunities Act. It will provide incentives for industry to locate in less-populated areas—not runaway industries from their present city locations, but new industries or expanding industries.

Mr. Speaker, the Washington Post of February 25 featured an editorial which lends support to the President's and Secretary Freeman's contentions. I ask unanimous consent that the Post editorial, entitled "Flight From the City," be printed in the RECORD.

FLIGHT FROM THE CITY

Mayor John Lindsay of New York City has disclosed that in 1966 New York City acquired 40 new factories employing an average of 100 persons. The Mayor, obviously, regards this as a piece of good news. But citizens are entitled to wonder if it is good news that this great city, or other great cities, continue to pile up more industry in overcongested central areas already choked with traffic, smothered with fumes, befouled by sewage and staggering with the social consequences of previous excessive growth.

The fierce competition of frontier cities for more factories, more people, more stores, more everything, should be left behind by modern sophisticated leadership. If there is anything that New York doesn't need it is more factories, more people, more traffic, more congestion, more social and political problems.

Factory growth in this country ought to take place anywhere and everywhere but inside city limits. Factory growth stimulates the whole dreadful cycle of urban problems. Each factory means more traffic. More traffic means more streets and highways. More streets mean more destruction of urban housing. Destruction of urban housing means more governmentally supported housing. Sooner or later, the economic adversity of the urban environment will operate so unfavorably on the factories that they will become high-risk enterprises with fluctuating employment. This will be followed by more people on New York's growing relief rolls, already risen above 600,000 persons.

The last century's notions of growth and progress are out of date. It is not bigger cities but better cities we need. The Mayor ought to be depressed by the new problems that 40 new factories will create for New York City.

THE 25 MILLIONTH NLRB VOTER

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PATTEN. Mr. Speaker, the 25 millionth vote in National Labor Relations Board conducted representation elections is being commemorated tomorrow in various ceremonies here in Washington. A guest of honor will be a resident of my congressional district, Mr. Leonard P. Scheno of Carteret, N.J., a maintenance technician in the Reynolds Metals Co. manufacturing plant at Woodbridge, N.J. Mr. Scheno cast the ballot symbolic of the 25 million votes the NLRB has counted since 1935, in an election in which he and his fellow employees chose the United Steelworkers of America, AFL–CIO, to represent them in collective bargaining.

A World War II and Korean veteran, Mr. Scheno is the father of three children, Geraldine, 13, and twins Nicholas and Grace, 12. He and his wife, Grace, are American-born children of fathers who came from the tiny town of Cisternino, Italy. It was through a get-together of the immigrant fathers in Nyack, N.Y., Mr. Scheno's hometown, that their courtship began.

A Navy flight engineer during service at the end of World War II and afterward, Mr. Scheno logged some 2,000 flying hours in the Pacific, Japan, and Tsingtao, China. Honorably discharged in October 1948, he worked under the GI bill as an apprentice stereotyper for the Rockland County Journal-News in Nyack.

Two years later to the day he was recalled into the Navy for Korean service. Although he asked for overseas duty again, he was assigned to the reactivated Oak Harbor Naval Air Station, Whidbey Island, Wash., and because of his experience as a bowling league organizer was placed in charge of the station's 10 bowling alleys. The Oak Harbor team, with Mr. Scheno as its captain, won the bowling championship of the 13th Naval District. He attained membership in the 700 Bowling Club of America with a 721 series. He also was Oak Harbor's horseshoe and table tennis champion.

Athletically inclined all his life, Mr. Scheno is active in sports work with youngsters. For 3 years he has coached the Knights of Columbus Little League baseball team of Carteret—a championship winner in 1964 and 1965, second last season. He is involved, with other members of the Carteret Sportman's Association, in sponsoring a boys' Pop Warner football league team that also has a winning tradition. Mr. Scheno's own youngsters play their part—Nicholas as a baseball and basketball player and the girls as cheerleaders for the football and basketball teams.

After Korean war service, Mr. Scheno in 1952 married, personally built a two-story home at 280 Washington Avenue, Carteret, with his father-in-law's help, and began a career as a mechanic and manager of service stations for Cities Service on the New Jersey Turnpike and the Garden State Parkway. In 1956 he went into business for himself as operator for 8 years of a Cities Service retail dealership in Avenel, N.J. One of his biggest customers was a trucking fleet, and in 1964 he took over supervision of maintenance for that company as a member of its staff.

He joined Reynolds last September in the first group of technicians hired for the new Woodbridge plant, which is the fourth all-aluminum canmaking installation in the Nation. The first of several production lines for seamless aluminum cans went into service early in February, following the election.

Mr. Scheno had never been a member of a union until he went to work for Reynolds last fall. The union's organizing effort was headed by Jack Hurvich, the Steelworkers' international representative in Irvington, N.J.

Mr. Scheno said he was not surprised at the outcome of the voting at the Woodbridge plant, but added:

I was impressed at the way the NLRB people conducted the election, the absolute guarantee of ballot secrecy.

And as to giving workers a voice in their own future, NLRB elections like this one make sense.

A BILL TO ELIMINATE THE GOLD COVER ON FEDERAL RESERVE NOTES

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. REUSS. Mr. Speaker, I am today introducing H.R. 6428, to eliminate the requirement that the Federal Reserve banks maintain certain reserves in gold certificates against Federal Reserve notes in actual circulation.

Two years ago, the 89th Congress approved a similar act removing the reserve requirement against the deposit liabilities of the Federal Reserve banks. By doing so, the Congress gave expression of the belief that a gold reserve requirement was not an effective or necessary constraint on the Federal Reserve System in its dealings with its depositors.

Who are the depositors and what are the deposits at the Federal Reserve banks? At the end of 1966, of $20.8 billion in deposit at the Federal Reserve banks, very nearly $20 billion were the reserve deposits of member banks of the Federal Reserve System. That $20 billion, plus about $4 billion of currency and coin, was the reserve base of the banking system. It was on that base, of credit and currency, that the member banks supported $119 billion of demand deposits and $128 billion of time and savings deposits.

The Nation's money supply, as customarily defined, consists of currency and demand deposits. It totaled $175 billion at the end of last year. So the Congress said that the $119 billion of demand deposits—over two-thirds of the money supply—was not going to be affected by gold.

Paper currency is a minor part of the money supply nowadays, smaller in amount and less subject to official management than commercial credit. All but a tiny fraction of the note issue is now supplied by the Federal Reserve banks. The $39½ billion of Federal Reserve notes in circulation at the end of last year were less than one quarter of the $175 million money supply.

What is needed now is that the arguments accepted with respect to bank money 2 years ago should be recognized as exactly applicable in the same way in respect to folding money. Congress should take action accordingly, to repeal the gold reserve requirement against Federal Reserve notes.

This is by no means a new debate. But I shall attempt to protect the interests of the Republic by stating my case in propositions of facts and events, and in opinions originating in reason and prudence.

For the past third of a century, gold has performed in the United States no active domestic monetary function. It is not currency. The gold reserve requirements have on no occasion been permitted to restrain the growth of the money supply when that was deemed to be necessary.

I have observed no change in behavior as a result of this, or even of the withdrawal of silver as a monetary metal. Nobody that I have known has questioned the law by refusing to accept payment in legal-tender dollar bills. I have yet to hear of anyone seriously doubting that the new sandwich quarters will buy the same as the old silver quarters. Money is all credit now.

The retention of the gold-reserve requirement for certain liabilities of the Federal Reserve banks was an action that was not seriously intended as a restraint. It was and is an irrelevance to domestic monetary policy. Its partial removal was only a partial response to an imperative need.

But gold is important in the international scene, in transactions between the United States and foreign official institutions. It occupies a definitive role in the international monetary system of the International Monetary Fund. The President and the Secretary of the Treasury have on many occasions declared the firm policy of the United States to retain the existing dollar price of gold. The most recent reaffirmation by the Secretary of the Treasury was in January.

The way to assure this policy is to provide visibly a supply of gold that will meet any conceivable demand from foreign official institutions—to make available not just the marginal amount of somewhat more than $3 billion, as at present, but the entirety of our stock, over $13 billion.

The reason for doing this now is not that our margin is inadequate for present needs. It is that our margin is big enough to allow us to do this without any suggestion of strain. Furthermore, since October of last year, when the French gave up their purchases from us, for reasons associated with their own balance of payments, the net change in the gold stock of the United States has been only a small reduction—some $150 million. To act now is to demonstrate our determination to make our policy work.

Moreover, this action would have a healthy influence in calming the evident concern of the people of the United States about our continuing trouble with the balance of payments. I do not ignore that concern when I say that some part of it arises from a mistaken interpretation of our strong basic position. For example, it is likely, on my analysis of the course of events, that the 1967 first quarter balance-of-payments deficit on a liquidity basis will be substantially greater than in any quarter of last year. The outflow of short-term capital that will, I expect, be the principal reason for this increased deficit should not lead to drastic reaction by the United States, or for foreign concern about the quality of the dollar.

It is a reason for prompt action. I shall seek a favorable report on the bill from the administration, and that the House Banking and Currency Committee schedule hearings soon.

Finally, let me say that the issue of removing the gold cover is not new. This is no suddenly discovered need. It has a long history.

As Secretary Dillon testified before the House Banking and Currency Committee on February 1, 1965, in regard to the earlier removal of gold cover:

> The current gold cover requirement is an outgrowth of a much earlier period in our monetary history, and can be fully understood only in the context of circumstances that have long since vanished.

Indeed, it was a mere accident of history that caused the retention of the gold-cover requirement at all during the 1930's.

On December 20, 1960, I submitted a report to the chairman of the House Banking and Currency Committee which recommended, among other things "repeal at an appropriate time."

Let me give more recent testimony. On the same occasion on which Secretary Dillon testified—February 1, 1965—Chairman Martin of the Federal Reserve Board of Governors who, incidentally, supported the limited aim of the previous bill, nevertheless declared:

> The all-important need for legislation at this juncture is to assure the world that U.S. monetary gold is always available to maintain the convertibility of the dollar and that the United States will honor its debts and liabilities in the form of foreign dollar holdings, as I have said many times before, down through the last bar of gold, if that be necessary.

That reasoning applies today. And it applies to all our gold, not just a part.

I shall refrain from quoting any of the repeated recommendations from the Joint Economic Committee, or from its Subcommittee on International Exchange and Payments of which I have been chairman. All that I can say is that the recommendation of repeal has had no dissent. But in the recently concluded hearings of the Joint Economic Committee, the proposal was actively endorsed by several witnesses. I quote from the testimony of Robert V. Roosa, in answer to a question that I asked him on February 20:

> I would say that in any case the gold cover should be repealed. That is necessary in any event.

Mr. Speaker, the informed opinion of the country stands in support of the measure of repeal of the gold-cover requirement against Federal Reserve notes that is introduced herewith.

DREW PEARSON AND SOVIET ROULETTE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. RIVERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RIVERS. Mr. Speaker, with the permission granted me, I would like to

bring to the attention of the House a chapter from the Drew Pearson story, written by Frank Kluckhohn and Jay Franklin and published by Charles Hallberg & Co.:

SOVIET ROULETTE

One of the many puzzles in the Drew Pearson story is his relations with Soviet Russia and to Communism. During the nearly 40 years which have passed since Stalin's first "Five-Year Plan," Drew has achieved a growing personal acceptance in official Soviet circles and is frequently quoted by Russian leaders in support of their anti-American policies. He has frequently been aligned with the Communists on domestic issues and some of his leg-men have had Communist affiliations. Has he done this to create a sensation? What has been his motive?

Drew once suggested that balloons be launched over the Iron Curtain in order to get word to the Russian people in spite of their communist leaders' jamming of the air waves and their refusal to allow American publications on their news stands. He has also on occasion jabbed at the communists.

Yet as late as September 2, 1966, Pearson wrote in his column:

"In Cairo in May, 1964, I talked with Khrushchev. He gave me a message for President Johnson regarding cooperation between the United States and Russia over Cuba."

In these off-hand words, Pearson disclosed that he had been willing to act as a go-between for the then Soviet Premier in connection with an island right off our coast which was then, and still is, a Soviet base. Despite a strong inclination to do so, it is thus difficult to avoid the subject of communism in any honest work on Drew Pearson.

For instance, Alger Hiss, then a ranking State Department official, slipped Drew Pearson the British anti-communist guerrilla Order of Battle in Greece, and Pearson published it.

General Douglas MacArthur raged when someone in Washington slipped Pearson, MacArthur's troop dispositions in Korea and Pearson published them.

Harry S. Truman, as a new President, was being tough with the Russians and Molotov was, consequently, threatening to wreck the United Nations organizing meeting in San Francisco. Pearson immediately wrote that Truman could not get along with the Russians as well as the recently deceased Franklin D. Roosevelt. Truman wilted, and even began to talk of Soviet Dictator Stalin as "Good old Uncle Joe."

Drew is still at it.

"In Moscow in the winter of 1965," he wrote recently, "I found Soviet leaders indignant over the new Johnson policy of bombing North Vietnam."

Then ignoring the fact that the Soviet Union is many hundreds of miles from North Vietnam and is arming the Vietcong with everything from machine-guns, mortars and MIG-21s to fight American forces, Pearson declared: "To bomb North Vietnam just after Kosygin arrived, the Russians told me, was comparable to Russia bombing Mexico just after the President of the United States arrived in Mexico City for an official visit."

Mexico, of course, is our next-door neighbor and we are not arming her to fight Soviet troops.

In nothing else, the record shows, has Drew Pearson been so consistent as in his attitude toward Russian communism. Drew, for instance, has attacked every chairman of the House Committee on Un-American Activities, beginning with Republican Hamilton Fish of New York and Democrat Martin Dies of Texas. Pearson's exposure sent one Chairman, Parnell Thomas, to jail for padding his payroll. Then Pearson went after his successor, Chairman John Wood of Georgia, again questioning his financial integrity, although this time in vain.

"It was Pearson who first broke the inside story (about Wood)," crowed the *People's World*, an official communist publication. And it justified the action thus:

"Pearson emphasized that Wood was the ranking Democrat member of the Un-American Committee while Thomas headed it." And this was "when Eugene Dennis, Communist Party general-secretary, was held in contempt and imprisoned."

Wood, the publication made clear, deserved at least the same; Pearson himself claimed directly that his charge against John Wood, which proved abortive, involved "a penitentiary offense."

Pearson attacked the careful Richard M. Nixon, who is credited with the questioning that exposed Alger Hiss as a Soviet agent. Drew went after Nixon incessantly for years and is widely credited with being one of those who cut him down in the 1960 election. Drew went after Senator Joe McCarthy and helped pursue the Wisconsin Senator to his censure by the Senate and his early death. Anti-communists have been, and are, Pearson's meat: Senator Tom Dodd and General Julius Klein merely being two of his latest targets.

While he was among the first-line in the media attack on Joe McCarthy, it must have piqued Pearson that it was columnist Doris Fleeson, and not he, who coined the phrase "McCarthyism" and James B. "Scotty" Reston of *The New York Times* who made the epithet, "McCarthyism," respectable. It probably touched him in a tenderer spot that a conservative Republican—John Bricker of Ohio—was responsible for the bon mot on Senator Joe. Long before McCarthy's censure by the Senate, the Wisconsin solon entered the Republican cloak room at the Capitol and told assembled colleagues that he had been hunting near his home and had shot a deer. At this point Bricker laid down his newspaper, removed his spectacles and, looking searchingly at Joe McCarthy, remarked: "With a shotgun, I presume."

Joe McCarthy, moreover, had jumped in first, with his usual impetuousity, and announced that Drew was guilty of "complicity" with communism. McCarthy then added injury to insult by punching Drew Pearson in the men's room of the fashionable Sulgrave Club with, or all people, Dick Nixon stepping between them to prevent a further brawl.

Pearson hasn't been as lucky with anti-communist Irishmen as with others. Washington attorney Patrick Clark slugged Drew in another men's room, this time in the Mayflower Hotel, for what Pearson had written about him. Clark had been highly successful in getting money out of Congress for Spain. Again others dragged the battlers apart. Drew claimed he did all right, but the Press Corps consensus was that the battling Quaker is more successful with words than fists.

Pearson, however, has not confined himself to writing and speaking where communism is involved. The *Daily Worker*, official organ of the Communist Party, USA, reported June 26, 1947, that Pearson testified in Federal Court for the District of Columbia on behalf of the 16 leaders of a "Joint Anti-Fascist Refugee Committee" on trial "for contempt and conspiracy."

"Drew Pearson," stated the *Daily Worker*, "appeared in Court to testify to the undemocratic character of the House Un-American Activities Committee."

Now to this day it has not been possible to muster more than a handful of votes out of 435 plus in the House, among the elected representatives of the American people, against the House Committee on Un-American Activities. The only conclusion that appears logical is that it is undemocratic to disagree with Drew, who has recently publicly announced that he is the "conscience" of Congress. It should be added that it was the House as a whole which voted the contempt citation for the 16 leaders of the Joint Anti-Fascist Refugee Committee.

The Washington Press veterans have privately and publicly long debated the reasons for Drew Pearson's activities which, when the cards were down, so frequently ended up defending communist interests.

Declared Cissy Patterson's Washington Times-Herald, August 11, 1946, "When Hitler rose to power in Europe, a collection of un-American crackpots, intellectuals, intrigue lovers, revolutionaries and plain crooks saw an opportunity to get rich over here and at the same time to build up their apparent importance."

"Pearson is just one example, but he worked out of Washington and we know him." With Pearson, the *Times-Herald* went on, "apology and special pleading for communist Russia" constituted "an old line which he has been peddling without variation from the day the United States recognized the Soviet regime in 1933."

"Many people were taken in and believed the guff to the effect that Russia was our great ally and had gone to war to save us," continued the *Times-Herald*. "No mention was made of the now forgotten fact that Hitler and Stalin jointly pulled the trigger that started World War II in 1939—and nobody in Russia ever lifted a finger contrariwise until Hitler attacked Russia in 1941."

It was amidst the war-time ally atmosphere cited, when ordinary people believed that real peace would follow the end of World War II, that Pearson helped change a newly tough U.S. policy toward Soviet aggression by charging that President Truman did not get along with the Russians as well as did FDR. It was not, in fact, until several years later, after the Russian communists took over Czechoslovakia, that Winston Churchill at Fulton, Missouri, publicly branded Soviet Russia a menace to world freedom in his famous "Iron Curtain" speech.

But leaving his domestic detractors and critics aside, Drew Pearson has been perhaps the most quoted American by the Soviets in their own propaganda broadcasts to their people and to the world. Drew, in fact, has the highly unusual distinction of being the only American media man ever quoted by a Soviet leader in an "election" speech and that in Moscow itself.

Beginning a speech "Dear comrades" at an "election" meeting February 27, 1963, Nikita Khrushchev ridiculed American campaign promises saying:

"Various promises of golden mountains and rivers of milk are made. What do you expect? This is sales talk of which there is plenty I should say, according to tales about this in the West. One of them goes something like this. A candidate of one party was making an election speech and called on people to vote for him. If our party wins the election, he told the voters in a certain village, we shall build you a new bridge. But there is no river here, why should we want a bridge? The voters asked in bewilderment. Never mind that, the candidate replied, we will bring you a river as well." (Laughter)

Then Khrushchev followed by quoting Pearson as follows:

"An interesting judgment of the current situation in U.S. democracy is contained in an article by the well-known American journalist, Pearson: 'Many people will write today about Lincoln and the aims he advanced—the rule of the people, by the people and for the people. They will also meditate on how many people can be deceived, and for how long. The situation has not changed very much since the time of Lincoln. In a dictatorship it is necessary to keep the people in a quiet state. In a democracy—the American journalist has in mind

democracy in the United States—it is necessary to fool at least 51 percent of the people all the time, or to fool all the people for 51 percent of the time.'

"And further the journalist writes: 'If Lincoln were alive today and in an ironic mood, he might paraphrase one of the lines of his message thus: The rule of the rich is by the will of the rich and for the rich.' This is true. This is really well said, truthfully said.

"In the same article it says that tens of millions of Americans live in poverty."

Now even critical journalists may have an interview with the Soviet ruler of the moment if it serves communist purposes. The journalistic ore produced may be newsworthy, as William R. Hearst, Jr. and his "team" found. Pearson, however, seemed able to get together with Khrushchev almost at will. One of his columns, datelined Gagra, Georgia, USSR, as published in the Raleigh *News & Observer* of August 22, 1963, began "The last time I interviewed Khrushchev" and then, much later, Drew was able to get right to the carefully guarded Soviet Boss at the Aswan dam in Egypt.

In 1963, Drew Pearson took Chief Justice Earl Warren of the Supreme Court with him to meet the Soviet Prime Minister. Drew reported Agnes Meyer as participating in his "interview" but did not, in a series of articles, mention Chief Justice Warren, whose meetings with the ruler of communist Russia were thus carefully guarded as a secret.

Pearson, for his part, reported on this interview that "Socialist Life Keeps Khrushchev Young," according to the headlines on his column in the Washington *Post* of August 24, 1963.

"When I asked how he kept so young," reported Pearson, Khrushchev replied: 'It is the good Socialist life I lead'."

Immediately thereafter in Bucharest in a Pearson column dated September 3, Drew said he talked with Rumania's Communist Boss, Gheorghiu-Dej, and reported: "Rumania in the old days was the most graft-ridden country in the Balkans. * * * Gheorghiu-Dej is certainly right that Rumania is making progress because it was so far behind."

In a dispatch run August 30, also right after he had seen Khrushchev, Drew reported an interview with Soviet Ruler Todor Zhivkov of Bulgaria during which a tea was served. This consisted of "caviar, two kinds of sausage, two of cheese, nuts, ice cream, cake and coffee." While munching this proletarian fare, the Bulgarian ruler was able to tell Pearson that Khrushchev hadn't meant it when he said he would "bury" us and to assert atomic war will destroy Bulgaria "so we hope relations between us will improve."

And from the first non-communist country visited on his trip, Turkey, Pearson declared flatly in his column on September 6, 1963:

"The tough, unrelenting communism of Stalin's day is past, replaced by liberal Socialism and even a certain amount of free enterprise." This was less than a year after the Cuban missile crisis and while Soviet and satellite secret police were operating right off our cost in Cuba, controlling by murderous terror those Cubans who had not fled their native land.

While the Cuban missile crisis was building to a climax, it was former Senator Kenneth Keating of New York, now a judge, who called the shots on the Soviet missile buildup. Yet afterwards, in the winter of 1963, Radio Moscow Domestic "news" service told the Russian people:

"The fuss over Cuba * * * has perfectly well-defined political motives. The usually well-informed U.S. observer Drew Pearson writes that when Senator Keating makes his war-mongering speeches about Cuba, thus reminding his colleagues in the Senate of the times of the late Senator McCarthy, "we hear the voice of Keating, but it is Rockefeller who is doing the prompting."

"Pearson reports that Nelson Rockefeller is the chief Republican pretender to the Presidency of the United States in the next election."

Also in 1963, in connection with his Khrushchev visit, Pearson wrote in his column:

"Castro (and therefore communism) is not the real trouble for the United States in Latin America." The trouble, according to Drew, was that "there is no middle class."

The Cuban official radio quoted Drew with great joy and great length on this. Earlier in 1960, Sergio Diaz Brull, an arrested Castro agent, asserted to U.S. interrogators that Drew Pearson and Jack Anderson were friends of his and were highly regarded for their "friendship" with Castro.

After Lyndon Johnson had landed the U.S. Marines in the Dominican Republic, next to Castro Cuba, Red China's international broadcasting service said from Peking on May 15, 1965:

"U.S. columnist Drew Pearson wrote that one reason the landing of Marines in the Dominican Republic has so riled some of our staunch friends in Latin America is because it comes on top of a long and consistent U.S. policy of supporting 'military dictators.' "

Woodrow Wilson, who tried to encourage democracy in Latin America by refusing to recognize dictatorial regimes, and FDR, with his Good Neighbor policy, must have turned over in their graves at this latter statement.

Then Pearson reported in his column April 26, 1966, that communist-supported Juan Bosch "will almost certainly repeat, or top, his 1962 election victory." He lambasted Joaquin Balaguer "Trujillo's loyal servitor for 25 years" whose "background makes it next to impossible" for him to win the election. He couldn't have been more incorrect. Balaguer not only won in free elections, but won overwhelmingly. But not before Pearson, by his persistent attacks, had added the scalp of Deputy Under Secretary of State Thomas Mann of Laredo, Texas, to his collection. Mann was blamed for advising the landing of Marines in what, as a result of the election returns, turned out to be LBJ's one outstanding international success.

Apart from being frequently quoted on Russia's and Red China's radio, on December 27, 1950, during the Korean war, Drew Pearson received an accolade from the U.S. communist paper the *Daily Worker* when it linked him editorially with the "Hollywood Ten," Paul Robeson, and others of like ilk who were alleged to have been "victims" of U.S. anti-communist forces.

This same day, coincidentally, the *Daily Worker* objected to American troops fighting the invasion of South Korea asserting:

"Let's leave Korea to the Koreans. Let us seat People's China in the UN and quit Formosa. We have no business in these territories of other countries. There is not a single reason why a single American boy should die attempting to seize or hold them. * * *"

A decade passed and a similar event occurred, the Soviet-supported invasion of South Vietnam. On February 17, 1966, Radio Moscow on an international broadcast declared:

"Well-known commentator Drew Pearson ridicules official claims that U.S. troops are in South Vietnam at the request of the Saigon Government to defend freedom and remarks: 'This is pure nonsense. Governments in South Vietnam follow each other in such quick succession that no one can keep track of whether Big Minh, Little Minh or simply Minimouse is in power."

And on May 21, 1966, Radio Moscow in its English language broadcast told the world:

"Well-known U.S. columnist Drew Pearson exposes Lodge's role in the DaNang operation. In an article entitled 'Lodge's Advice to Ky,' published in the *New York Post*, Drew Pearson says: 'The inside fact about Premier Ky's dispatch of troops to DaNang to crush his political opposition was that U.S. Ambassador Henry Lodge advised him to do it.' "

Korea or Vietnam. It would seem the place changes, but the words and music are the same. It was over LBJ's actions to counter communist invasion of South Vietnam and the Dominican Republic that Drew Pearson and Jack Anderson swung away from Lyndon Johnson.

On May 26, 1966, after moving far into the camp of the Kennedys, Drew was still using the guise of an intimate knowledge of Lyndon Johnson's ideas to make some points.

"The United States," claimed his column, "is ready to revise its long-time policy of barring Communist China from the United Nations. * * * The President has learned the hard way that the key to Southeast Asia is Red China."

But then, when almost at once, the Red Chinese demonstrated violently before the Soviet Russian Embassy and its satellite embassies in Peking, Drew's tune immediately changed. He advocated that Soviet Russia and the United States get together to deal with the Red Chinese.

"It will be difficult," Drew remarked, "to pick up the pieces broken by the bombing, escalation and Mr. Johnson's own vituperative vocabulary to justify the war in Vietnam."

Nevertheless, Drew claimed, "with the Russian fear of Chinese communism still rampant," there was some hope the Kremlin and the White House could get together against Red China.

Where did Drew first get this theme? Right from the horse's mouth—from Khrushchev himself in Drew's interview in August, 1963.

Khrushchev, as then reported by Drew, declared:

"I should say the Chinese people want peace. But, of course, better relations between the United States and the USSR will better stabilize the world situation."

Drew added that, in any such alliance of the USA and USSR against Red China, the Russians wanted to take the lead with China.

Drew said: "But I asked Khrushchev, wasn't one of the quarrels between China and the Soviet the fact that China did not believe in co-existence?"

"The Soviet Premier replied: 'Let us agree on one thing. Put the responsibility for negotiating with China on our shoulders.' "

Another question is why Drew Pearson, who is no one's fool, has had identified communists working for him. These include David Karr and Karr's wife, Madeleine. Both wrote for the *Daily Worker* on occasion. The Executive Director and Chief Examiner of the Civil Service Commission asserted Karr was an active communist. Harold Rushmore, once an editor of the *Daily Worker*, said, "I used to give him assignments. He, at the time, was working on one of New York's non-communist papers, and he had to show his communist card to get these assignments."

Senator Joseph McCarthy charged that David Karr "is the link between Pearson and the Communist Party." Adolph A. Berle, now a leader in the New York Liberal Party but then Assistant Secretary of State, testified before the Senate Internal Security Sub-Committee that Karr conveyed confidential information to Pearson.

There is no evidence that Pearson and Karr have ever broken; Karr has gone on to make a great deal of money. He left Drew's staff to join the New York advertising firm which handled the account of Lee Hats, then Drew's radio sponsors, and went on to become president for a time of Fairbanks-Whitney Corporation, formerly the Penn-Texas Corporation.

Pearson defended Karr against the attacks of Martin Dies, the first to expose him. In a speech on the House floor February 1, 1943, Dies stated:

"For two years Karr was on the staff of the Communist Party's official newspaper, the *Daily Worker*. There is not the slightest doubt that all members of the *Daily Worker* staff were required to be members of the Communist Party."

Over twenty years later, July 7, 1964, Drew wrote:

"It was over half a dozen years ago that David Karr sought out a Russian refugee in Israel named Alexander Zarkin and signed a contract with him for the Israeli Government and the Fairbanks-Whitney Corporation, of which Karr was then president, to pioneer a desalination process in arid Israel.

"Fairbanks-Whitney directors, irked at Karr because he spent money which did not bring immediate dividends, eased him out."

"But," applauded Drew, "this was the first private, commercial project of its kind ever built."

The one thing clear from this report is that David Karr is probably the smartest of the communists, including Andrew Older, whom Drew ever employed and, second, that Drew had been in touch with Karr for decades after he left Pearson's employ. This is particularly interesting in the light of other facts.

Among the ideas advanced by veteran members of the Washington Press Corps for Drew's consistency on communism are these:

1. Drew needs a "social" compensation for the earthy contents of most of his columns, contents which the Alaska Supreme Court has recently held can be called "garbage."

2. The Washington *Times-Herald* cited "a desire to get rich" and charged that, moreover, "it satisfied his natural and overpowering lust for lying, smearing, intrigue, character assassination and spying, all of which, next to money, are his aims in life."

3. Morris Beale, whom Pearson once sued, asserted in a vitriolic pamphlet against Pearson entitled "The All America Louse", that Pearson was being blackmailed by the Russians in connection with an unsavory incident in his youth involving a Negro boy in the Southern railroad yards in North Carolina.

Pearson himself has given some indications that the first point, involving his Quaker desire to promote peace, may provide at least a partial explanation. Drew once suggested, as noted, that, to reach the Soviet people, we should go over the Iron Curtain with propaganda balloons. The prevailing winds are West to East and Drew's idea may have had merit.

On December 28, 1962, commentator Vladimslov Kozyakov noted over Radio Moscow that The Washington *Post* yesterday published an article by Drew Pearson entitled, "The time for peace is right now." The commentator asked why Washington did not take the initiative in this. The reason, perhaps, was that this was just after the Cuban Missile crisis and John F. Kennedy and his aides were still too shocked by the nearness of disaster. This, nevertheless, was the opening gun in the campaign which ended in the Test Ban Treaty in 1963.

Shortly after the Test Ban Treaty was signed; under the headline "Russia has kept its word under K," Pearson blandly asserted:

"My own conclusion, from careful examination of the record, is that the Soviet Union has been a tough negotiator but keeps its word when given."

This statement, printed August 31, 1963, kicked up a ferment in Congress and the news media. Lt. General John W. O'Daniel, ret. snapped, "Just whose side is Pearson on?"

At the time of Pearson's statement, the Soviet Union had broken 500 international agreements, including 50 of the 53 it had made with the United States.

Also, Pearson apparently forgot that President John F. Kennedy had told the American people and the world at large on TV that Khrushchev, and his envoy, Andrei Gromyko, had lied to him personally when they assured him that Russia was placing no "offensive weapons" on Cuba at the very time medium-range ballistic missiles with nuclear warheads were moving onto Cuba pads.

There is no denying that Drew's interviews with Soviet leaders and the controversies he has created as a result of his activities involving the issue of communism have added grist to the media mill from which he has taken pure gold.

Yet anyone who has observed Drew Pearson's operation rather intently for years becomes aware, as indeed the record as outlined here shows, that Drew Pearson is not always a free agent. There are indications that Pearson's troubles come when two or more opposed influences come to bear on him at the same time.

And it must be noted that Joe Barnes, wartime Deputy Director of the Office of War Information, was at that time, and has been since, a pal of Drew's. Barnes' attitude subjected him to such public criticism that he was eventually dropped as Editor of the *New York Herald Tribune*.

Under Joe Barnes at the Office of War Information as an assistant and later as associate, was the pro-communist David Karr. Karr was head of OWI's Foreign Language Division and he came under suspicion after the American Ambassador to Hungary complained about him.

Testifying before a Congressional Committee under oath, Karr, head of the Foreign Language Division, admitted to knowing no foreign languages.

This is the official text:

Q. Are you a specialist in foreign languages?

A. No, sir.

Q. Do you speak any foreign languages?

A. No, sir.

Q. Do you read any?

A. No, sir.

Maybe why Drew Pearson has written, talked and acted as he has with respect to communism is not important. Perhaps his motives are high.

The over-all record, however, shows that, whatever his reasons and motivation, Drew Pearson has written, spoken and acted in a way that has helped the communists in almost every key showdown. He has attacked, with many successes, a long list of men in public life who have exposed, or tried to expose, communist activities.

No one has charged Drew Pearson, ever, with being a communist himself, which makes the record of his activities what Churchill, in another context called a mystery wrapped in a conundrum. No one has ever denied either that Drew Pearson is a most "unusual guy." To paraphrase John O'Donnell's favorite lines: he may waddle like a duck, quack like a duck, and associate with ducks, but he retains a clear and uncontested constitutional right to insist that he is a prothonotary warbler.

DISTRICT OF COLUMBIA CRIME

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FRASER. Mr. Speaker, this week radio station WTOP broadcast an excellent editorial on the President's crime proposals. Since many Members may not have heard the editorial at the time it was broadcast, I include the text of the WTOP editorial in the RECORD:

DISTRICT OF COLUMBIA CRIME

(Editorial broadcast on February 28 and March 1, 1967, over WTOP radio and television)

This is a WTOP Editorial.

It would be tempting to look for simple remedies to deal with rising crime rates. But the problem is not simple and the remedies can't be simple either. Necessarily, the program for strengthening District law enforcement that President Johnson has just sent to Congress is a complex one. That is the source of its real strength.

For one thing, the program focuses on more budget support for such urgent community services as police protection, health, education, welfare, and recreation. These are among the services that give the greatest hope of getting at the roots of crime and relieving the problem by prevention.

Along with this broad social welfare effort, Mr. Johnson calls for a variety of steps to give the police, the courts, the jails, and other public agencies a stronger hand for dealing with crime. There would be a new gun control law, limiting pistol purchases to those who show a need for protection, and increasing penalties for those who use guns to commit robberies. Police would be able to make arrests without warrants in assault and housebreaking cases, as they now can do in murder, robbery and some other cases. Defendants on bail awaiting trial could be supervised by the Department of Corrections. Drug addicts would get more treatment as sick people; the pushers would still be prosecuted as criminals. The law would be changed to recognize alcoholics as sick people, except when arrested for violence of some kind. A District Youth Service Office would be created to "plan and direct" all the public services needed to combat juvenile delinquency.

The President described his program as the "immediate battle plan". He has wisely avoided drastic remedies or police powers that could infringe the Constitution. His program merits broad public support and early action in Congress.

This was a WTOP Editorial, James Hudgens speaking for WTOP.

ETV AN EXAMPLE OF CREATIVE FEDERALISM

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RONAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RONAN. Mr. Speaker, the President's recommendation for continued efforts to expand and more fully develop educational television deserves the support of Congress and the country. The public has an increasing need for education and information. An educational television broadcast system can provide great assistance in meeting this need. Encouragement and assistance should be provided to help in the prompt development of this important resource.

Educational television is an excellent example of creative federalism. Of particular importance is the growth of State networks of stations making for greater effectiveness and efficiency of service. Since 1963 the number of States affected in some degree by network interconnec-

tions of this type has increased from 9 to 27. Such networks, for the most part, serve to carry educational television programs of concern and importance to all areas of a State. These networks serve as an effective means of linking the citizens of a State to better serve their needs.

State networks of this type will also serve as a necessary component of national ETV interconnections. National programs can be delivered to a single point within a State and further distribution can then take place by means of the intrastate system.

New communications technology has brought added importance to intrastate interconnections. Recent studies in California, Nebraska, South Dakota, Minnesota, Iowa, Oregon, Indiana, and other States have indicated that a wide variety of needed communications services can be provided by the same type of interconnection system required for television transmission. Computer centers can be made available to a number of interconnected locations. Information retrieval systems can make central library resources instantly available to remote locations. Teletype, facsimile, and other electronic communications devices can interconnect a variety of locations within a State.

With careful planning a single interconnection system can serve not only the needs of ETV, but a wide range of communications needs that will result in greater provisions for the needs of the people.

Physicians and public health workers, law enforcement officers, teachers and scholars, welfare workers, and public administrators of all types can benefit from the immediate accessibility of information such a system makes possible. Their increased effectiveness will in turn better serve the needs of the people.

Building an expanded educational television service, important as it is in its own right, can also carry with it therefore increased utilization of a variety of communication techniques. I am delighted to endorse the President's educational television recommendations as an important step toward that development.

TRIBUTE TO A. J. MUSTE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCHEUER. Mr. Speaker, I rise to pay tribute to a man who exemplifies the best traditions of free thought in America, A. J. Muste who died at 82.

Abraham John Muste was a symbol of the way of love and nonviolence in a world which sometimes seems determined to destroy itself in an apocalypse of hate and violence.

As teacher, writer, leader, and prophet of peace, he left an indelible impression upon the people and institutions of the church, organized labor, government, and the academic community.

Executive secretary of the Fellowship of Reconciliation and member almost from its beginning in 1915, A. J. Muste led this interdenominational nonpolitical pacifist organization through its most crucial prewar, wartime, and postwar periods. During his administration such vital offshoots as the Congress of Racial Equality, the Worker's Defense League, the Central Committee for Conscientious Objectors, the American Committee for Africa, and others emerged to challenge the status quo and to make new benchmarks for the freedom of the dispossessed, the segregated, and the exploited peoples of the earth.

Zealous always for the rights of others, A. J. Muste never stooped to invective or intolerance for those with whom he differed. His loving spirit and gentle mode of persuasion when dealing in strenuous discussion and debate with forces hostile to him were always in evidence.

In 1953, Mr. Muste "retired" as executive secretary of the FOR and entered into one of his most fruitful periods, in which he helped found Liberation magazine, the Committee for Nonviolent Action, and literally dozens of ad hoc groups dedicated to peace and social justice. Many a young man or woman, alienated and bereft because of positions taken as a matter of conscience, found in A. J. a faithful friend, wise counselor.

An excerpt from a poem titled simply "A. J." by Edward P. Gottlieb, describes his place in contemporary life well:

The White Cloud that led by day
And the Pillar of Fire
We hung on through darkness streaked
With violence
Has slipped across a threshold
Of our Time.
It is most questionable
That he should now belong to our Past
We shall most probably find him
In the Future.

It is men like this who set the standards we hope to live by and whom we can respect and honor even when we differ.

SEATING OF MR. POWELL

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. MARSH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MARSH. Mr. Speaker, I have considered the report of the select committee of this House with respect to the seating of the elected prospective Member from New York, Mr. POWELL.

My colleagues will recall that I voted in favor of the resolution requiring the prospective Member from New York to stand aside, pending investigation of his qualifications to sit in the 90th Congress, and that I also voted in the Democratic caucus to deny the prospective Member the committee chairmanship which he held in previous Congresses. Although I concur with the recommendation of the select committee with respect to censure, nevertheless, it is my conclusion that the law and precedents, as applied to the facts in this case, do not justify the House in denying the seat to the Member-elect from the 18th District of New York.

As to levying against the salary of a Member, I question the legal capacity of this House to exercise judicature powers. In this connection, it does not appear that this House holds judicature powers in the manner held, at least until the latter half of the 19th century, by its progenitor, the British House of Commons.

If we lack in this House judicature powers, in the normal usage of the term, it seems to me that we lack capacity to pass judgments on civil liabilities or criminal guilt.

To do so, in the absence of the aforementioned specific authority, would violate safeguards established in the Bill of Rights of the Constitution, including those fashioned by the Founding Fathers to provide for prompt arraignment, trial by jury, and freedom from self-incrimination, to mention a few.

To withhold or reduce the salary, in the absence of a judgment by a court after the exercise of due process of law, would, in my opinion, be an exercise of a power which I do not find this House has definitely in its hands.

As much as I respect the considered judgment of the members of the select committee, and as much as I concur in the basic objective of exercising the rights of this House to pass on the qualifications of prospective Members to sit, I should regret our taking an action at this time which, through lack of clear authority, would give the Supreme Court opportunity to review a portion of a judgment taken by this House in regard to the qualifications of a prospective Member.

THE JOHN J. HUDSON CO. OF PROVIDENCE AND THE OIL IMPORT PROGRAM

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, the February 27th edition of the Washington Post included a very enlightening article on the mandatory oil import program which I would like to bring to the attention of my colleagues.

The article, entitled "Asphalt Justice," depicts the plight of John J. Hudson, Inc., a small independent distributor of asphalt in Providence, R.I., in its endeavor to compete with the major oil companies.

Though the company is small on a national scale, it is the largest asphalt dealer in Rhode Island. It accounts for close to 100 employees and plays a significant role in the economy of my State.

Regardless of its size, the fact of the matter is that a very apparent inequity exists in the oil import program and the Hudson Co. does not intend to accept the resulting injustice which is forcing it out of business. It has courageously taken it upon itself to fight this Goliath. Though its very survival is at stake, so are the principles of a free enterprise system. The real loser in this case is the consumer if these principles should continue to be denied.

As the Washington Post news article noted:

Hudson is challenging a complex that derives its power from a union of the petroleum refining industry with the Federal bureaucracy. If it succeeds in smashing—or even modifying—the oil import program, it will confer benefits on consumers in the shape of lower prices and provide the petrochemical industry with the cheap raw materials that it requires for rapid growth.

Mr. Speaker, I place this noteworthy article in the RECORD at this point:

ASPHALT JUSTICE

A frontal legal assault is being made on the constitutionality of the Mandatory Oil Import Program, the system of import quotas that protects the petroleum industry against lower prices at great cost to consumers.

John J. Hudson, Inc., will not be found in corporate directories or on stock exchange lists. It is—but may no longer be—an independent distributor of asphalt in the New England area, a small Providence firm headed by a former truck driver. Until recently Hudson was supplied with asphalt by Cities Service, but when Citgo closed down its Linden, N.J., plants Hudson was left without a source of supply at prices that are competitive with those charged by the major oil companies.

Since Hudson has an option to purchase ample dockside storage facilities from Citgo, it asked the Oil Appeals Board, a tribunal set up to hear hardship cases under the import quota program, for permission to import 762,000 barrels of asphalt a year. No one was surprised when the Board refused Hudson's request, although the second decision was split when the representative of the Department of Commerce held that Hudson's petition deserved reconsideration.

Hudson now has taken its case to the District Court. Among the 30 grounds cited in arguing that the Board's action should be set aside, several got to the very heart of the public policy issue. Although the Mandatory Program is rooted in a Presidential Proclamation of 1959 which in turn rests on sections of the Tariff Act of 1930, the action of the Board in forcing Hudson out of business, the company argues, is a violation of due process. The second point is that the Board, in systematically turning down appeals for allocations of finished petroleum products—and here petrochemical companies without oil refining facilities are also adversely affected—discriminates in favor of the oil companies.

Finally, there is a grave question as to the objectivity of the Board. One of its three members is from the Department of Defense. But since Defense is the holder of the largest single import allocation, its representatives might be expected to view a rival claimant to a predetermined supply of imports with a jaundiced eye.

The triumphs of Davids over Goliaths are noteworthy because they are rare. Hudson is challenging a complex that derives its power from a union of the petroleum refining industry with the Federal bureaucracy. If it succeeds in smashing—or even modifying—the oil import program, it will confer benefits on consumers in the shape of lower prices and provide the petrochemical industry with the cheap raw materials that it requires for rapid growth.

THE UNITED STATES AND VIETNAM

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. ZABLOCKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I have noted in the New York Times issue of February 28 that my esteemed colleague from Wisconsin, the very able Mr. LAIRD, has written a letter to the President critical of U.S. policy in Vietnam.

According to an Associated Press story, Mr. LAIRD has asserted that American goals and objectives in Vietnam have been "cloudy."

As one who has been deeply interested in our Vietnam involvement and who has attempted to keep informed on both the situation and our policies, I am frankly concerned and disturbed about this charge. It seems to me that things may seem cloudy to those who attempt to throw up a smokescreen. I realize that the temptation to play some politics with Vietnam is sometimes strong—and will get stronger as time goes along—but I truly cannot see what can be gained from casting doubt on our aims in that conflict.

The American people rightfully regard the war as a serious cause for concern and thought, not as an opportunity, however, for innuendo and nit-picking.

Anyone who has approached the facts with an open mind knows that the entire American effort in Vietnam is designed to assist the South Vietnamese to preserve their freedom from external aggression.

This has been the U.S. objective since 1954 and our aims will continue to be such.

There is nothing "cloudy" or ambiguous about that policy.

We have said often that our aim can be sought at the conference table or at war on the battlefield. We wish most sincerely to talk rather than to fight. As long as Hanoi is unwilling to come to the table, however, the issue must be met militarily.

There is nothing vague about this position.

The United States has pursued this policy and will continue to pursue it because of a commitment to the people of South Vietnam, a commitment to protect them against external Communist aggression.

We have undertaken this commitment for three reasons:

First. Because help has been requested by the Government of South Vietnam;

Second. Because our Government remains convinced that the people of South Vietnam do not wish to live under communism; and

Third. Because the United States regards the defense of South Vietnam as vital to its own national interests.

Mr. Speaker, the United States does not and will not renege on its commitments. Those commitments have been sealed in the blood of thousands of our finest young men.

At the same time, however, it does not mean that the American forces must remain in South Vietnam forever.

If Hanoi can be persuaded to give up its objective of conquering South Vietnam, to cease the infiltration of men and supplies across the 17th parallel, and to withdraw its forces back to the north, then the aggression will cease. If Hanoi demonstrates the least bit of sincerity in this regard, steps will be taken to end the conflict.

At such a time South Vietnam would be able to set about resolving their internal problems free from massive external pressures.

Under these circumstances, the conditions will have been created which will permit the withdrawal of American forces within a 6-month period.

It is obvious, however, that our withdrawal cannot and will not be accomplished until it is clear that aggression has ceased, infiltration has ceased, and that the forces of North Vietnam have gone home.

Under these conditions genuinely observed, the withdrawal of American forces from South Vietnam does not constitute either the abandonment of the South Vietnamese people or a betrayal of an American commitment.

Rather, it is the fulfillment of what we wish for the people of the war-torn, war-tired nation: peace, economic growth, political stability, and national security.

As President Johnson has so often stated, the United States will remain ready to assist in the job of rebuilding Vietnam once the hostilities have ceased.

This will be true regardless of whether the South Vietnamese people choose a policy of alinement or nonalinement. In the long run, it is in America's interest to guarantee the South Vietnamese peoples freedom of choice—not a solution imposed from outside.

Mr. Speaker, these are the essential points of our policy. They are clear and unambiguous.

I believe they deserve the understanding and support of all Americans, regardless of partisan political leanings.

EDUCATIONAL TV

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. PERKINS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PERKINS. Mr. Speaker, I rise in support of the President's declaration in his state of the Union message, "to develop educational television into a vital public resource," and in the proposals made to Congress to speed that development.

The great potential of the service that noncommercial television can bring to the public was dramatically illustrated by the coverage given by educational television to the state of the Union address over the National Education Network. For the first time, a nationwide network of some 70 coast-to-coast stations was established for a live telecast. Many mil-

lions of Americans saw and heard the President. Before and immediately after this address, they witnessed some of the Nation's most distinguished commentators from diplomatic, political, economic, and journalistic fields discuss the Nation's problems and the President's approach to them. While the three commercial networks as Newsweek noted, provided only scant analysis, NET employed 11 top-level specialists.

It was an outstanding illustration of the coast-to-coast potential of ETV and all that it can accomplish for each and every community throughout the Nation.

Every educational television station belongs primarily to its own community and has its greatest strength in its unique ability to serve the needs of that particular community.

We have worked for many years for educational television in Kentucky because we believed in that strength to help us to solve the many problems that we face. We are now building, with Federal help, a 12-station network at a cost of between $8 and $9 million. When those stations are on the air, well over a million students in Kentucky and nearby States in Appalachia will get more out of their classroom instruction than ever before. Five million people living in the area will, we are confident, get more out of their lives because of the programs produced for their specific needs.

Our 12-station network represents one of the most ambitious enterprises undertaken by a State board of education in the history of educational television, and is the first ETV network to be organized in one operation for complete statewide coverage. We intend to make Kentuckians proud of that coverage and grateful for all that it will mean to them. We want persons in every corner of this Nation to have the same benefits available to them. Thus, I strongly urge my colleagues to support the President's proposal.

SUPPLEMENTAL AUTHORIZATION, PROCUREMENT, AND MILITARY CONSTRUCTION

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. RANDALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RANDALL. Mr. Speaker, because of long-standing commitments before farm organizations in our district—I asked an official leave of absence for Thursday, March 2. Because I am a member of the House Armed Services Committee I want to be on record as in favor of the authorization which will be considered tomorrow.

I am pleased to add my voice in support of H.R. 4515. This bill would authorize supplemental appropriations in fiscal year 1967 for: First, procurement of aircraft and missiles; second, research, development, test, and evaluation; and third, military construction. The total authorization proposed by this bill is $4,548,200,000.

As we are all aware from the fiscal year 1967 Defense budget which was presented to the Congress, the Department of Defense assumed for planning purposes that the war in Vietnam would end by June 30, 1967. The word is clear that this assumption was not a prediction, but instead was a more or less arbitrary basis for determining the amount of the funding then to be sought, just as July 1 of one year through June 30 of the next are the more or less arbitrary limiting dates for determining the size of authorization and appropriation for any given year.

I recognize that some Members of Congress believed last year that it was practical and desirable to provide some of the additional funding that would be required for our operations in Southeast Asia. However, the Department of Defense insisted that the amount of the additional funding needed in this fiscal year was subject to so many contingencies and so much uncertainty that the supplemental needs could not be computed precisely. Thus, while there may be disagreement over whether at least a part of the supplemental funding should have been asked for last fall, there is no disagreement at least within our committee that the support of the Armed Forces in Southeast Asia requires further authorization and appropriation in fiscal year 1967.

We have been assured that barring an unforeseen turn in the situation in Southeast Asia, there will be no additional supplemental for 1967, and Department of Defense witnesses have estimated that the fiscal year 1968 regular bills will eliminate the necessity for a supplemental in fiscal year 1968.

In discussing this bill, I feel that we must bear in mind that leadtime on aircraft is approximately 18 months. Thus, this bill plus the regular 1968 program would further requirements through December 1969. Similarly, for missiles, the funding is intended to cover the needs through whatever period is required to secure deliveries on orders placed on July 1, 1968.

And speaking of airplanes, this authorization is also intended to replace aircraft estimated to be lost in combat and to provide aircraft for expanding our training base to increase the output of pilots.

Almost $1 billion of the total procurement authorization is intended for additional aircraft, spares, and repair parts. Another large part of the authorization would be used to modify aircraft to make them more effective in combat in Vietnam and to make them less vulnerable to antiaircraft weapons and other defenses.

The procurement portion of this bill for the Army is $601,400,000, broken down as follows: for aircraft, $553,100,000.

This would provide for the purchase of Iroquois, Cobra, TH-55A, TH-13T, and U-21A aircraft.

For missiles, $1,100,000 is to be authorized. This would provide for spares and repair parts only.

For tracked combat vehicles, this bill would authorize $62,200,000 and would provide for full-tracked, armored personnel carriers; full-tracked cargo carriers; full-tracked command post carriers; full-tracked 81-millimeter mortar carriers; field artillery 175-millimeter guns; self-propelled M110 8-inch howitzers; full-tracked M578 recovery vehicles; self-propelled M109 155-millimeter howitzers; and self-propelled 20-millimeter XM163 air defense artillery guns.

The Navy procurement portion of this bill totals $1,839 million. For aircraft for the Navy and Marine Corps, $1,748,300,000 is provided. This amount is intended to finance the procurement of 502 new aircraft, together with their supporting components and spare parts, the cost of modifying and modernizing aircraft already in inventory, and related items such as aircraft support equipment and industrial facilities. The following aircraft are included for purchase:

Combat aircraft: A-6A Intruder, EA-6A Intruder, A-7A/B Corsair II, F-4J Phantom II, CH-46D Sea Knight, SH-3D Sea King, and P-3B Orion.

Trainer aircraft: T-2B Buckeye and TA-4F Skyhawk.

In the missile area, this bill would allocate $48,700,000 to the Navy, and $2.1 million for the Marine Corps. This will purchase the Shrike/ARM missile and standard ER missile.

For tracked combat vehicles, the bill authorizes for the Marines $4,200,000, and provides for the procurement of the 155-millimeter self-propelled howitzer M-109.

The bill allocates $1,348,000 to the Air Force for procurement. Of the $1,303 million allocated for aircraft, the following types of aircraft will be procured:

Combat aircraft: A-7D, tactical attack fighter; F-4E, tactical fighter; F-5A, tactical fighter; RF-4C, tactical reconnaissance fighter; O-2A/B, forward air controller/psychological warfare; A-37B, tactical fighter; and OV-10A, counterinsurgency forward air controller aircraft.

Trainer aircraft: T-37B, primary jet trainer; T-38A, supersonic jet trainer; and T-41A, primary trainer.

Other aircraft: HH-53B, heavy lift helicopter.

The bill also authorizes $45 million for missiles, but the description of the missiles is classified information.

The supplemental authorization request for research, development, test, and evaluation totals $135 million. Department of Defense witnesses testified that the purpose of the R.D.T. & E. supplemental request is to provide immediate response to the war needs of the operating forces. While this amount is relatively small, it should be borne in mind that the total fiscal year 1967 authorization for research, development, test, and evaluation totals $7,180,520,000.

Of the $135 million in this bill, $40 million is authorized for the Army to be used on projects to improve the night combat capabilities of our forces in Vietnam, including suppressive fire from aircraft.

For the Navy a $40 million authorization is included to be used for the developments in aircraft electronic warfare and reconnaissance equipment as well as efforts to increase the capabilities of

certain ship-launched and air-launched missiles.

Thirty-three million dollars has been authorized to the Air Force for developments to enhance interdiction capabilities at night and to increase the accuracy and effectiveness of weapon deliveries.

The remaining $22 million in the research area are authorized to the Department of Defense for classified development work.

The military construction portion of this bill totals $624,500,000 and includes construction not only in South Vietnam but also in other places in Southeast Asia as well as the United States. But all of the construction directly relates to our efforts in South Vietnam. Others have detailed a type of construction, so I will attempt not to be repetitious.

For the Department of the Army, $288,500,000 is included. For the Navy, $140 million, and the Air Force, $196 million.

I want to assure this great House that the committee carefully considered the subject of construction and are in general satisfied with the progress being made. We share your concern that the programs were underestimated last year by approximately $138 million or a total overrun of 23 percent. We have been given assurances that the planning is much better this year although it is not possible because of the deployment picture and the uncertainties of construction in any war zone that we will be able to estimate with the same degree of accuracy that exists on construction projects in the United States. It is somewhat staggering when we think of the total construction program associated with the war in Vietnam because with the approval of this bill, we will have authorized a total of over two and one-quarter billion dollars and we have spent most of this money on projects to which we have no base rights agreements with the host countries. Nevertheless, as long as our troops serve in Vietnam they must be housed, they must be provided operational facilities, and there must be adequate hospitals. I, for one, am less concerned about base rights than I am about providing essential facilities needed to allow those who serve there to carry out their assigned mission.

I am hopeful that every Member of this House will join tomorrow in supporting this bill to show those we are asking to give so much that we in the House of Representatives are willing to support their efforts—efforts to which most of them have been called upon by their country to perform.

IMPORTANT AND INFORMATIVE ADDRESS BY ASSISTANT SECRETARY OF STATE PALMER ON QUESTION OF SOUTHERN RHODESIA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the address on Southern Rhodesia by Assistant Secretary of State Palmer at Pasadena, Calif.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent I am extending my remarks to include the full text of the informative, timely, and important address of the Honorable Joseph Palmer II, Assistant Secretary of State for African Affairs, at the invitation of the California Institute of Technology faculty committee on programs at Beckman Auditorium, Pasadena, Calif., on February 28, 1967. The address follows:

ADDRESS BY HON. JOSEPH PALMER II, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, AT THE INVITATION OF THE CALIFORNIA INSTITUTE OF TECHNOLOGY FACULTY COMMITTEE ON PROGRAMS, BECKMAN AUDITORIUM, PASADENA, CALIF., FEBRUARY 28, 1967

The question of Southern Rhodesia has lately attracted a great deal of attention here in the United States, as is appropriate for a matter of such paramount concern to the world community. But the problem is not a new one.

More than a year has now passed since November 11, 1965, when the Rhodesian regime illegally declared its independence from Great Britain. In that time, the Security Council, acting at the request of the UK—the sovereign authority responsible for the welfare and progress of the people of Southern Rhodesia—attempted to assist in resolving the controversy by measures involving the voluntary cooperation of member states.

Why, we may ask ourselves, has this issue now taken on such added importance, and how has it become a focus for the attention of virtually the entire international community?

The most immediate and dramatic reason for this is the fact that on December 16, 1966, the Security Council of the United Nations, exercising its responsibility as the world body primarily concerned with the maintenance of international peace and security, adopted a resolution declaring that the situation in Southern Rhodesia had become a "threat to the peace", under the terms of Article 39 of the UN Charter. To cope with this situation, it imposed against that territory limited mandatory economic sanctions in accordance with Article 41 of the Charter, which authorizes the Security Council to "decide what measures not including the use of armed force are to be employed to give effect to its decisions", and to "call upon the Members of the United Nations to apply such measures."

FIRST TIME FOR 21 YEARS

It is noteworthy that this marked the first time in the 21-year history of the United Nations that the Security Council applied the measures called for in Article 41. In so doing, it decided that all Member States shall prohibit imports of Rhodesian asbestos, iron ore, chrome, pig iron, sugar, tobacco, copper, meat and meat products, and hides, skins and leather as well as dealing by their nationals or in their territories in such products originating in Southern Rhodesia. The resolution also obligates UN members to embargo shipments of arms, aircraft, motor vehicles, and petroleum and petroleum products to Southern Rhodesia.

These are indeed serious measures; they are, nonetheless, limited. There were many demands in the United Nations and elsewhere for more comprehensive sanctions, or for the use of force to bring down the Smith regime. The Security Council, however, in line with the desire of the majority of its members to find a peaceful solution to the problem, decided on more limited measures.

Under Article 25 of the Charter, the members of the UN have agreed to accept and carry out the decisions of the Security Council. This is a solemn treaty obligation, binding on all members. Accordingly, the President of the United States, acting under the authority granted to him by the Congress in Section 5 of the UN Participation Act of 1945, issued an Executive Order on January 5 of this year to prohibit US firms and individuals from engaging in the activities proscribed by the Security Council resolution, including transactions involving the commodities described therein.

It is primarily this action that has attracted the attention that we find in the United States today. This interest has been reflected in wide-spread comment much of which is favorable. However, much is also critical. Doubts have been cast on the legality of the action as well as on its wisdom. The line between informed opinion and misinformation or misunderstanding has often become blurred. For example, we hear that US support for the Security Council action derogates from our own sovereignty, that it constitutes misguided support of the British and that its purpose is to curry favor with some members of the international community at the expense of others.

We are all aware of the fact that the United States as a Permanent Member of the Security Council, has the power under Article 27, paragraph 3, of the Charter to prevent the Council from taking any action in any situation where we may deem it inappropriate. But in the case of Southern Rhodesia, we considered that the Council's finding of a threat to the peace and its decision to impose mandatory sanctions were appropriate and necessary. We voted for them only on the basis of a considered judgment that it was clearly in our national interest to do so.

INTEREST OF THE UNITED STATES

This raises the question of the US interest in the Rhodesian problem. As the leading free world power and as a member of the United Nations, we have a direct interest in contributing responsibly to stability and progress in Africa, as in many other areas of the world. The situation in Southern Rhodesia, where a racial minority has seized power illegally and attempts to continue its domination over the vast majority of Rhodesians, forms a basic threat to that stability. It has already served to heighten racial tensions in and around Rhodesia itself. In time, there is a real danger that it could develop into a confrontation along racial lines between the African countries north of the Zambezi River and the white-dominated nations of southern Africa.

Black Africans, frustrated and embittered by vestiges of colonial or racial repression, are understandably concerned by the state of affairs in Rhodesia. At the same time, the continued defiance by the white minority regime of Ian Smith of legal authority and international opinion in Southern Rhodesia could serve to consolidate and extend the strength and attitudes of white-supremacists in southern Africa. The result of such a continued polarization in Africa of extremist racial philosophies can only be instability, strife and chaos. To do nothing to avert such a confrontation would play into the hands of those forces seeking to undermine the stability and progress of Africa as a whole.

Our national interest therefore dictates that we play our proper role in doing what we can to strengthen the forces of moderation among white and black alike, to try to minimize those conditions of instability that create the opportunity for Communist penetration and subversion, and above all to encourage peaceful and responsible change. Our policy on Southern Rhodesia supports these ends.

I will not dwell tonight on the detailed legal arguments in support of the Security Council's decision to impose mandatory sanctions against Southern Rhodesia. Ambassador Goldberg has eloquently and forcefully expounded them in his recent speeches and letters on that subject. I intend instead to concentrate on the nature of the problem the international community faces in Southern Rhodesia itself.

Only twice in history have British terri-

tories unilaterally declared their independence of Great Britain—the American colonies in 1776 and Southern Rhodesia in 1965. Rhodesian spokesmen have chosen to equate these two events and have carried on a vigorous campaign to try to convince the world of the identity of these two acts. Central to this effort has been their deliberate attempt to model the Rhodesian declaration of independence after our own. Both documents contain Bills of Particulars. Moreover, the Rhodesian declaration begins:

"Whereas, in the course of human affairs, history has shown that it may become necessary for a people to resolve the political affiliations which have connected them with another people . . ."

Perhaps we should be charitable and attribute this pallid formulation to a general decline in style over the intervening 190 years. But if we look more closely at the substance of the two documents, we find that any superficial parallel breaks down in one very vital respect: the Rhodesian declaration is completely silent on human rights. There is not attempt to state or even to rephrase the ringing words of the American Declaration:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

HEART OF THE DIFFERENCE

Here is the heart of the difference. Very few remember the details of our Bill of Particulars against the King of England. But every child has learned the words of these self-evident truths. Without a passionate commitment to their realization, our Revolution might have been just another national conflict, important to the participants but not significant for the future of mankind. But instead, our forefathers chose to place themselves in the broad stream of human aspirations and progress. They justified their bold, enlightened rebellion in a way that lit fires in men's minds and hearts. They reaffirmed the validity of man's age-old search for justice and equality and gave direction and substance to our national development. They set forth a broad view of human aspirations, charting such an imaginative course that it subsumed the immediate act of rebellion.

The authors of the Rhodesian declaration sought to assert an historical parallel. I suggest that they missed the point completely. Seldom in history have two such superficially similar acts been so vastly different in purpose and meaning. The Rhodesian document makes glancing references to "civilization" and the "principles of Western democracy" but its aims are narrow and its direction is a retreat from the main currents of the times and from the international community of nations. No broad vision emerges to inspire mankind; rather, an obstinate defense of narrow privilege, based on racial bias and minority rule. The Rhodesian document is inward-looking and static, holding no promise either for progress for the majority or for creativity for the minority.

The decisive difference in the American and Rhodesian experience lies in the direction of each society. I do not wish to suggest that we were or are perfect. Man is a fallible being and perfection will probably always be a distant goal as mores change. But the conceptions underlying the American experiment were and are bold, imaginative and liberating, providing a built-in dynamic for the achievement of the American promise. They remain responsive to the needs and aspirations of the American people and in accord with the principles of the United Nations Charter which were laid down 170 years later. Thus Jefferson, after his work on the Declaration, returned to Virginia to give meaning to his beliefs by plunging into political war with the ruling oligarchy of the day. He crusaded for a more equitable distribution of land, the expansion of limited educational opportunities, reform of the penal code, broadening of the franchise, and the abolition of slavery. He succeeded in some of his efforts, partly succeeded in others, and failed in others. But he took a stand, based on principles of enduring validity. His acts as well as his words charted a course for the democracy of the future, not only for our America, but for many diverse peoples, providing clear proof of the universality of his beliefs and of a common humanity.

ENLARGING FREEDOM FRONTIERS

Each generation of Americans has joined in this adventure and enlarged the frontiers of freedom. It has not been an easy, nor a straight, nor an uninterrupted path. We have been steadily, if too slowly, removing discriminations due to religion, sex, national origin and race. We have continuously reexamined our concepts in order to broaden the contents and limits of human rights. Underlining the continuity of this concept in American history, President Johnson stated this month on Lincoln's birthday, "So Lincoln began his troubled journey—to the establishment of a multi-racial community in which man's pride in his racial origins would be wholly consistent with his commitment to the common endeavor."

There could be no greater contrast than exists between the words and deeds of 1776 and those of 1965. Jefferson spoke out against British tyranny and gave meaning to his words by waging political war against the entrenched minority ruling Virginia. The Rhodesian Front attacks the British for supporting the principle of government deriving from the just powers of the governed. The Front seeks to perpetuate minority rule, using almost exactly the same instruments of power in Southern Rhodesia that Jefferson tried to destroy in Virginia. In twentieth-century Southern Rhodesia, by comparison with eighteenth-century America, the roles of rebel and constituted authority are reversed.

At the time of our Revolution, America produced leaders who were more modern in their political and social thought by twentieth-century standards than the men who rule Southern Rhodesia today, nearly two hundred years later. We set out on our road inspired by principles that continue to lead us forward and attracted millions to America to these shores to share in this great adventure. What promise does the Rhodesian declaration hold for its own people and the world? Even leaving aside what cannot be left aside—the 4 million Africans in Southern Rhodesia—what course is charted for the 220,000 white minority? Can they really hope to find creative expression by trying to isolate themselves from the continent in which they live and by incurring rejection by the rest of the world? Can they hope to continue indefinitely to defy world opinion and really create a narrow sanctuary of privilege and domination? I think not.

STATEMENT OF OUR PRESIDENT

There is a continuity between the principles enunciated in our Declaration of Independence and our present policy toward the Rhodesian situation. President Johnson spoke in the authentic American tradition when he stated to the Ambassadors of the member nations of the Organization of African Unity last May:

"As a basic part of our national tradition, we have supported self-determination and an orderly transition to majority rule in every quarter of the globe. These principles have guided our policy from India to the Philippines and from Viet-Nam to Pakistan. They guide our policy today toward Rhodesia.

"We are giving every encouragement and support to the efforts of the United Kingdom and the United Nations to restore legitimate government in Rhodesia. Only when this is accomplished can steps be taken to open the full power and responsibility of nationhood to all the people of Rhodesia—not just six percent of them . . .

"The foreign policy of the United States is rooted in its life at home. We will not permit human rights to be restricted in our own country. And we will not support policies abroad which are based on the rule of minorities or the discredited notion that men are unequal before the law."

Let us now examine the situation in Southern Rhodesia. How does it appear in practice? Despite the racial disproportion in the population, the Land Apportionment Act divides the land roughly equally between the white and the African communities. According to the Rhodesian Ministry of Information, there are approximately 44 million acres for 2,400,000 Africans and 36 million acres for 220,000 Europeans. The Ministry does not add, incidentally, that the acreage reserved for the white minority consists of the best land, much of which lies unused. I lived for two years in Southern Rhodesia and vividly recall an instance in the rural area in which the African population was required by the Government to destroy part of its cattle wealth because of the fact that the pasture land was overgrazed. Meanwhile down the road a white farmer was burning off his surplus grazing land! Need one look more deeply for one basic cause of discontent?

UNEQUAL EDUCATIONAL OPPORTUNITIES

Let us look at education. Southern Rhodesia spends roughly equal amounts on the education of white children and of African children, although the latter greatly outnumber the former. Upper secondary and college education is available to more whites than Africans. Although it is true that a higher proportion of Africans receives education in Southern Rhodesia than in African-ruled countries, the fact remains that relatively few Rhodesian Africans are permitted the facilities to complete the highest secondary grade or to go to college. They are trained for a place in society determined by the ruling minority, not by themselves. A few statistics will reveal the disparity: In 1965 there were 638,000 African children and 32,000 white children in primary school. In the same year there were some 15,000 African children and 20,000 white children in secondary schools. Thus only 2⅓ percent of the African children continue from elementary to secondary school as compared with 62½ percent of whate children. Nor do these figures really tell the whole story since many additional white children receive their secondary education at boarding schools outside the country.

These circumscribed educational opportunities have an obvious relationship to political expression in a country in which the franchise is severely limited on the basis of property, wages and educational qualifications laid down by the white minority.

Even before the illegal declaration of independence, the direction of the Rhodesian governments had become increasingly repressive and racially motivated. Each succeeding government has moved further to the right. Prime Minister Garfield Todd was removed by the minority-dominated electorate because he favored the liberalization of the African franchise. His successor, Sir Edgar Whitehead, was considered too liberal because he favored some modification of the Land Apportionment Act to benefit the African, even though he had also introduced the Preventive Detention Bill to curb African political expression. He was succeeded as Prime Minister by Winston Field, the head of the new Rhodesian Front. And Field, in turn, was replaced by Ian Smith. And now reports are current that some elements in the Rhodesian Front consider Smith as too soft on African advancement. Must this trend continue and where will it end?

VOICE OF REASON SILENCED

The Rhodesian regime is at pains to present the image of a successful rebellion by a united people. And yet not even its geographically and philosophically closest neighbors have recognized it. Within the country, 3,000 white Rhodesians recently took their courage in their hands to sign the book of the Governor, who still represents the Crown, as an apparent gesture of displeasure that the regime failed to reach agreement during the "Tiger" negotiations. There is also evidence that the business community would prefer to negotiate a settlement and end this anomalous situation. But despite these and other encouraging signs, it would be premature in the superheated and controlled atmosphere of Salisbury to conclude that the voices of reason and moderation can yet give effective expression to their doubts—much less their dissent. On the contrary, there are elements on the right who are demanding an even more extreme course. In accusing the present illegal Smith regime of moderation, a recent Rhodesian Front party document asks rhetorically:

"Where in the Party Principles is it stated that we, the Rhodesian Front, favor a multi-racial society or even a multi-racial state?

"Where in the Party Principles is it stated that we accept 'majority rule'?

"Where is it stated that we accept full integration?"

Thus, the present leaders of the white minority have embarked on a course which increasingly leads them to separate themselves from the majority of the people in their own country and to isolate themselves from the world community of nations. One seeks in vain some principle that would justify such a course of action. Whatever the deficiencies of the policy of "partnership" pursued by the predecessors of the Rhodesian Front, there was at least the possibility of a continuing dialogue and the prospect for conciliation among the races and orderly progress toward majority rule. All the evidence indicates that the dialogue has been broken off and that there has been an increasing polarization of political life. There is a growth of suspicion, which inhibits even whites from expressing any doubts. For more than a year, there has been censorship of the newspapers and of mail of anyone considered unsympathetic to the Smith regime. Smith himself has said that he will lift censorship only if "satisfactory alternatives to safeguard our national security can be devised." Under the Emergency Powers Act, the Rhodesian Front regime has established regulations which provide for "the summary arrest or detention of any person whose arrest or detention appears to the Minister (of Law and Order) to be expedient in the public interest." Detainees are placed in distant camps, without trial or hearing. The effect is to develop a closed society, which feeds on myths and rumors and maintains an unnatural stability enforced by police control. These repressive measures have their effect not only on the African but also on the white community. As long as these circumstances prevail, there is little prospect of an accommodation between the races.

VULNERABILITY OF REGIME

The regime itself is apparently aware of its vulnerability to charges of repression of the African majority and has been at pains to enlist the support of the African chiefs. But there is serious question as to the representative character of a group that is paid by the regime and is part of its administrative arm at the same time that the leaders of the African political parties remain under detention.

Rhodesian Front spokesmen have at times indicated that they favor majority rule ultimately. If they really accepted this premise, within a reasonable timespan, it should be possible to reach a satisfactory resolution of the Rhodesian problem. But hear what Ian Smith himself had to say when he was questioned in an interview in "Newsweek" of December 19, 1966:

"Q. Are you an adovate of eventual majority rule in this country?

"A. No, I cannot in all honesty claim that I am an advocate of majority rule. When one sees the evidence of Africa to the north of us, this is the last thing I would advocate —in fact quite the reverse. But I am a realist. I accept that our present constitution, whether I advocate it or not, is one that was planned for majority rule. . . ."

"Q. How long do you think majority rule might take?

"A. This I find very difficult to try and predict. I have heard predictions that have varied from five to 50 or even 75 years. . . ."

All of the evidence suggests that Smith's "realism" would place him with those who favor the long term, the very long term, rather than the short term of expectations.

The Rhodesian Front viewpoint is clearly reflected in a South African article, quoted approvingly in the January 13, 1967 issue of "Rhodesian Commentary", published by the Rhodesian Ministry of Information, which states, "Democracy, in the popular sense that Jack is as good as his masters, is not the divinely ordained method of government. It is not a method at all".

Here you have the true feelings of the Rhodesian leaders. If they resist meaningful progress toward democracy and majority rule, what do they envisage—the eternal rule of a minority whose only distinction is their color?

There is abundant evidence that the policy of the Smith regime is pushing it increasingly in a racial direction. There is less talk of a multi-racial society or pretensions of partnership. There have been intimations of the acceptance by the white community of apartheid. In a recent speech, Ian Smith stated, "I believe that ideal after which we are striving is a system which acknowledges our different communities and provides safeguards which will enable the different communities to live according to their own wishes and with adequate protection for their rights and freedoms". We wonder if the white community understands the implications of this position and where this road will lead them.

The Smith regime has attempted to enlist sympathy and support by proclaiming itself the defender of Western civilization and a bulwark against communism. But a system whose purpose is to exclude majority rule is a mockery of accepted Western principles and a travesty of an effective defense against communism.

FALSE REASONS FOR POLICE FORCE

Yet one of the most persistent themes of the Rhodesian Front leaders is that they are building a dike against communism and chaos. This becomes a justification for police measures; the use of force; the detentions at Gonakudzingwa and Wha-Wha; and the constricting political and emotional atmosphere. By neutralizing the possibility of a free exchange of views and fruitful negotiations, they have helped to deprive the African nationalists of their options and to create a situation which encourages resort to illegal activity and assistance from foreign, including Communist, sources.

The Rhodesian minority is thus encouraging the very instability it professes to wish to avoid. In the long run it is frustration and loss of hope that creates the climate for Communist influence. It is pertinent to this problem that, despite energetic efforts, the Soviets and Chinese Communists have not succeeded in making any significant inroads against true independence in Africa. But they could succeed if Africans believed that the West would not support legitimate African aspirations for self-determination.

The Rhodesian Front spokesmen assert their right to independence on the basis of self-government, which Southern Rhodesia first acquired in 1923. But they overlook one important fact: that Britain always reserved constitutionally the right to veto any discriminatory legislation directed at the indigenous population, and that Britain never yielded these reserved rights. Britain was the ultimate sovereign authority and when Rhodesia adopted the Unilateral Declaration of Independence, the powers of government over Rhodesia reverted to the British. The white Rhodesians have always had the option of fruitful collaboration with the Africans and the support of Britain but instead they have progressively resorted to a policy of repression, the dissolution of African nationalist parties, the detention of their leaders, the expulsion of religious figures and university professors, the suppression of newspapers, the censorship of press media, and finally UDI.

AFRICAN RESPONSIBILITIES

In this sad chain of events, one must also consider the question of African responsibility. The leadership of the African community in Rhodesia is deeply divided and even in exile tends to be more concerned with its factional conflicts than with the true needs of the society. It is often maintained that this division in ranks led the nationalists to oppose taking full advantage of the franchise provisions of the 1961 Constitution and that if the African nationalists had been more flexible and statesmanlike, they might have been able, with British support, to achieve a minimal power base which would have hindered the shift of each succeeding government to the right.

There is undoubtedly some validity to these contentions and the Southern Rhodesian Africans might well have been in a better moral position today if they had shown more disposition to cooperate. At the same time, the African nationalist decision to boycott the 1962 elections must be viewed against the pedestrian rate of African advancement until that time, the highly limited franchise provisions of the Constitution of 1961, and the general African suspicion of the chasm between what the minority government professed and the implementation of its professions. Whatever the merits of its past positions, however, the African community of Rhodesia must find means of submerging its differences and of presenting a strong and wise leadership which will cooperate to ensure the interests of the country. We have seen this happen in other countries.

In Kenya, a national leadership has emerged under the guidance of President Jomo Kenyatta which is providing a bond of unity among all segments of the population and uniting them in the spirit of Harrambee, i.e., working together. It is significant, in this connection, that there are now more Western business interests and representatives in Kenya than before independence.

During the period I lived in Southern Rhodesia, I came to know a number of the men now in power, as well as many others who support them. Like all of us, they are conditioned by the environment and we must acknowledge that the environment is almost unique—one of the very few places in the world where an outmoded political structure based on colonial principles of race repression fights to preserve itself even after colonialism has been generally discredited and has all but disappeared. They refuse to come to terms with the realities of twentieth-century social and political change and they have been too isolated to understand this obvious truth. In a very real sense, our policy is designed to bring them into the contemporary world, not remove them from it.

Fundamentally this must mean acceptance of the inevitability of majority rule. There is an honorable place for the white minority in Southern Rhodesia—a place where the

white man can live and prosper and contribute to the healthy development of his country. The realization of the rights of the majority, which we accept as a social and political imperative, can certainly be attained without the destruction or deprivation of the minority. The white minorities in Kenya, Tanzania and Zambia have learned this. And it must be emphasized that there are white men of good will in Southern Rhodesia who are aware of the enormous potential of cooperation among the races. Some of them have carried their convictions to the point that they are now in prison along with their African compatriots. There is every valid reason for other white Rhodesians to heed these lessons.

But why do we agree that the UN should press this issue of principle with Southern Rhodesia to a point beyond that we have taken with respect to other places in the world? Why do we assert the universal application of self-determination but not take active measures to give effect to it everywhere? And, further, if we support steps against Southern Rhodesia, won't we have to agree to similar steps in the future when they are proposed to combat denial of self-determination elsewhere?

UNIQUENESS OF THE PROBLEM

The answer to these questions lies in the uniqueness of the Rhodesian problem. We acknowledge this uniqueness and consider that our policy on Southern Rhodesia creates no precedents or obligations with respect to similar measures elsewhere either now or in the future. Southern Rhodesia is a colony in rebellion against the universally acknowledged sovereign, Great Britain. It is not an independent state in whose internal affairs the United Nations is intervening. Furthermore, the sovereign authority, Great Britain, has asked the international community, including the United States, to help it in its task of restoring legitimate, constitutional authority in Southern Rhodesia.

In terms of the UN Charter, Southern Rhodesia is a non-self-governing territory and Great Britain is the administering authority, obligated "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions".

The illegal regime is obstructing the carrying out of these responsibilities of the administering power in the territory. In no other place in the world that I can think of do these conditions apply. Therefore, the mode of our response to the challenge of illegal independence creates no problem of corollary obligations. We are free to continue our support of self-determination and our opposition to racial discrimination elsewhere in ways appropriate to each different case.

What the British seek and what most of the world would find acceptable in Southern Rhodesia is a settlement that assures an orderly but reasonble transition to majority rule, with minority rights fully protected. The British have never and do not now demand *immediate* majority rule. Neither does the British Commonwealth, the UN, nor the United States. The issue is not independence under minority rule versus immediate majority rule.

Even now, after the present British Government has committed itself not to seek a settlement that involves independence before majority rule, these are not the choices facing Southern Rhodesia. If the white minority were willing to accept what the outside world sees as both right and inevitable, it should be possible to reach a settlement that provides for a restoration of constitutional authority and for a transitional period before legal independence in which African educational opportunities were considerably broadened and African training in government accomplished by actual participation. The alternative to such a settlement, if most of the white minority persists in its efforts to hold back history, is a gradual deterioration of the Rhodesian economy, a continuing and probably increasing net emigration of whites, mounting dissidence and political activism, radicalization of the African approach to the whole problem, facilitation of Communist penetration of the opposition movement, and, eventually, the danger of organized violence on a scale that the present regime will be unable to contain. Not a welcome prospect, but one for which the intransigent white minority in Southern Rhodesia would bear a heavy responsibility.

MOUNTING RACIAL TENSIONS

If the rebel regime leads the Rhodesian people into this tragic morass, more and more of Africa will be affected. Racial tensions will mount, reasoned counsels of restraint on the part of responsible African leaders will spell their political suicide, and proponents of moderation outside Africa will be discredited in the eyes of Africans.

There are sincere and honestly motivated Americans who say that the Rhodesian rebellion is of no concern to this country and that we should not become involved in the international community's efforts to resolve this problem. But we cannot ignore the consequences of inaction. We can—and will—determine the extent of our involvement but we cannot escape our responsibility to act with others on a problem that has engaged the concern of the world. Even if we were not obligated to concern ourselves with these issues by virtue of our responsibility under the UN Charter, we would inevitably be morally involved because of our national traditions and principles.

As we have developed our measured responses to this threat, we have stayed within the confines of what is clearly authorized under American law and the UN Charter. The assertion from some quarters that the Executive Branch of our Government is acting illegally in pursuit of the Government's Rhodesian policy is wholly without foundation. Everything that has and will be done will adhere scrupulously to the letter—as well as the spirit—of the law.

Within this framework, let me summarize:

First, we believe that the efforts of the illegal regime in Southern Rhodesia to perpetuate minority rule contributes to instability in that area. Therefore, we intend to continue to work with the United Kingdom as the administering authority and with the international community in an effort peacefully to restore constitutional authority and thus open the way to an orderly transition to majority rule.

Second, we accept the obligation imposed upon us by the UN Security Council Resolution of December 16 providing for selective mandatory economic sanctions against Southern Rhodesia. We hope that this program of sanctions will convince the illegal regime in Southern Rhodesia that it faces nearly universal opposition and convince it of the wisdom of agreeing to a settlement acceptable to the international community. We hope, too, that all members of the UN will similarly accept their obligation under the Charter to comply with the Security Council resolution.

Third, we continue to recognize the sovereign authority of Great Britain in the British colony of South Rhodesia and, like every other government in the world, we refuse to recognize Rhodesia as an independent state.

Finally, we have adopted this policy toward Southern Rhodesia because it is right in terms of principle, because it strengthens our position in the world and because it helps promote our objectives of stability and orderly development in Africa. Surely a policy that meets these tests is in the national interest of the United States.

GENERAL LEAVE TO EXTEND

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the special order today granted the gentleman from New York [Mr. RYAN].

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRIEDEL (at the request of Mr. FALLON), for an indefinite period, on account of illness.

Mr. RANDALL, for March 2, on account of official business in congressional district.

Mr. HOSMER, for March 6, 7, and 8, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. BROWN of Ohio), for 5 minutes, on March 2.

Mr. CRAMER (at the request of Mr. BROWN of Ohio), for 30 minutes, on March 2.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. PICKLE.

Mr. MCCARTHY.

Mr. BOW.

Mr. FINO.

Mr. GIBBONS (at the request of Mr. BRINKLEY) to include extraneous material in the remarks he made during general debate today.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. WIDNALL.

Mr. KUPFERMAN.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mr. ST. ONGE.

Mr. FLOOD.

Mr. FISHER.

Mr. REUSS in two instances.

Mr. FRASER.

Mr. PERKINS.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4573. An act to provide, for the period ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4573. An act to provide, for the period ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, March 2, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

451. A communication from the President of the United States, transmitting the fifth semiannual report of actions taken by Federal agencies under the 1964 Amendments to the Alaskan Omnibus Act, pursuant to the provisions of Public Law 88–451 (H. Doc. No. 69); to the Committee on Interior and Insular Affairs and ordered to be printed.

452. A letter from the Acting Secretary of the Treasury, transmitting the 11th annual report on the financial condition and results of the operations of the highway trust fund, June 30, 1966, pursuant to section 209(e)(1) of the Highway Revenue Act of 1956, as amended (23 U.S.C. 120 note) (H. Doc. No. 71); to the Committee on Ways and Means and ordered to be printed.

453. A letter from the Director of the Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes; to the Committee on Armed Services.

454. A letter from the President and Chairman, Export-Import Bank of Washington, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945, as amended, to shorten the name of the Bank, to extend for 5 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees; to the Committee on Banking and Currency.

455. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to repeal language relating to the liability of contractors for the repair of new pavements in the District of Columbia; to the Committee on the District of Columbia.

456. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to establish a register of blind persons in the District of Columbia, to provide for the mandatory reporting of information concerning such persons, and for other purposes; to the Committee on the District of Columbia.

457. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia; to the Committee on the District of Columbia.

458. A letter from the Acting Attorney General, and the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

459. A letter from the Comptroller General of the United States, transmitting a report of review of distribution of Government-donated food commodities in selected counties in Pennsylvania, Consumer and Marketing Service, Department of Agriculture; to the Committee on Government Operations.

460. A letter from the Comptroller General of the United States, transmitting a report of review of the sale of federally owned electric power and salt water distillation facilities to the government of the Virgin Islands, Virgin Islands Corporation, Department of the Interior, General Services Administration; to the Committee on Government Operations.

461. A letter from the Acting Governor of the Canal Zone, Vice President, Panama Canal Company, transmitting a report of disposal of foreign excess property by the Panama Canal Company and Canal Zone Government for the year ended December 31, 1966, pursuant to 63 Stat. 398; to the Committee on Government Operations.

462. A letter from the Assistant Secretary of the Interior, transmitting the fifth annual report entitled "Lead and Zinc Mining Stabilization Program," pursuant to section 8 of the act of October 3, 1961; to the Committee on Interior and Insular Affairs.

463. A letter from the Under Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

464. A letter from the Chairman, Federal Communications Commission, transmitting the 32d annual report for the fiscal year ending June 30, 1966, with notations of subsequent important developments; to the Committee on Interstate and Foreign Commerce.

465. A letter from the Acting Attorney General, transmitting his third report pursuant to section 3 of Public Law 89–175; to the Committee on the Judiciary.

466. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, "A bill to authorize the Secretary of Transportation to prescribe safety regulations for the transportation of natural gas by pipeline, and for other purposes; to the Committee on the Judiciary.

467. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions of certain aliens, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

468. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to section 212(d)(6) of that act; to the Committee on the Judiciary.

469. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation for the relief of Slator C. Blackiston, Jr.; to the Committee on the Judiciary.

470. A letter from the Postmaster General, transmitting a copy of cost ascertainment report for fiscal year 1966, pursuant to 39 U.S.C. 2331; to the Committee on Post Office and Civil Service.

471. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes; to the Committee on Science and Astronautics.

472. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Science and Astronautics.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 6339. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas; to the Committee on Agriculture.

By Mr. ABERNETHY:

H.R. 6340. A bill to exclude certain State employees from the application of the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Mr. ANDREWS of North Dakota:

H.R. 6341. A bill to provide for a more effective and equitable draft system by amending the Universal Military Training and Service Act; to the Committee on Armed Services.

By Mr. BOLAND:

H.R. 6342. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans homes; to the Committee on Veterans' Affairs.

By Mr. BURTON of California:

H.R. 6343. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture; to the Committee on Education and Labor.

H.R. 6344. A bill to provide for the establishment of a council to be known as the National Advisory Council on Migratory Labor; to the Committee on Education and Labor.

H.R. 6345. A bill to repeal the coolie trade laws; to the Committee on the Judiciary.

H.R. 6346. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of housing facilities for agricultural workers by permitting the amortization over a 60-month period of the cost, or a portion of the cost, of constructing such housing facilities; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 6347. A bill to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. CLANCY:

H.R. 6348. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. CLARK:

H.R. 6349. A bill to provide assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators; to the Committee on Education and Labor.

By Mr. CLEVELAND:

H.R. 6350. A bill to provide that certain aircraft may travel between the United

States, Canada, and Mexico without requiring the owners or operators thereof to reimburse the United States for extra compensation paid customs officers and employees; to the Committee on Ways and Means.

By Mr. DANIELS:

H.R. 6351. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. DOWNING:

H.R. 6352. A bill to amend the Fair Labor Standards Act of 1938 to exclude from that act's minimum wage coverage persons employed in agriculture; to the Committee on Education and Labor.

H.R. 6353. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 6354. A bill to amend title 18 of the United States Code to protect the constitutional rights of mentally incompetent persons committed thereunder, and for other purposes; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 6355. A bill to amend the Internal Revenue Code of 1954 to provide that employers having pension plans under which payments are correlated with social security benefits shall be subject to an additional tax in cases where increases in such benefits result in a reduction in their own contributions under such plans and are not passed on to their retired employees; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 6356. A bill to designate Columbus Day, the 12th day of October in each year, a legal holiday; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 6357. A bill to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housng practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 6358. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. GURNEY:

H.R. 6359. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HARRISON:

H.R. 6360. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other educational expenses paid by him, whether for his own education or for the education of his spouse or a dependent or any other individual; to the Committee on Ways and Means.

By Mr. HARVEY:

H.R. 6361. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 6362. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6363. A bill to amend title 5, United States Code, with respect to the determination of average pay for retirement purposes and the computation of retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6364. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6365. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the veterans' hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

H.R. 6366. A bill to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 6367. A bill to amend title XVIII of the Social Security Act to include drugs requiring a doctor's prescription among the medical expenses with respect to which payment may be made under the voluntary program of supplemental medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 6368. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction, or amortization over a period of 1 to 5 years of such expenditures; to the Committee on Ways and Means.

H.R. 6369. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

H.R. 6370. A bill to amend the Social Security Act to permit, in certain additional cases, the use of social security records to aid in locating runaway parents who are failing to comply with court orders for the support of their children; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 6371. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

H.R. 6372. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 6373. A bill to reserve certain lands along a segment of the Wolf River, Wis., for designation as a scenic river area in the national scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANGEN:

H.R. 6374. A bill to amend title 38 of the United States Code so as to increase the rates of pension payable to certain veterans and their widows, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 6375. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

H.R. 6376. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6377. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child welfare services; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 6378. A bill to amend title 39, United States Code, to revise the rates of postage on third-class mail; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

H.R. 6379. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 6380. A bill to amend titles 10, 14, 32, and 37, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

H.R. 6381. A bill to improve the safety of railroad transportation under the jurisdiction of the Department of Transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEAL of Georgia:

H.R. 6382. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas; to the Committee on Agriculture.

H.R. 6383. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments; to the Committee on Agriculture.

By Mr. PUCINSKI:

H.R. 6384. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances or a joint committee or joint board empowered to interpret provisions of collective bargaining agreements; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 6385. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mrs. REID of Illinois:

H.R. 6386. A bill to amend title 18, United States Code, with respect to the admissibility in evidence of confessions; to the Committee on the Judiciary.

H.R. 6387. A bill to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States; to the Committee on the Judiciary.

H.R. 6388. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 6389. A bill to prohibit arbitrary discrimination in employment on account of age, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 6390. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. RIVERS:

H.R. 6391. A bill to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 6392. A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

H.R. 6393. A bill to assist in combating crime by creating the U.S. Corrections Service, and for other purposes; to the Committee on the Judiciary.

H.R. 6394. A bill to protect the right of privacy by prohibiting wire interception and eavesdropping, and for other purposes; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.R. 6395. A bill to provide for expansion of the national cemetery system and to insure burials therein for veterans of the Vietnam conflict; to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

H.R. 6396. A bill to provide for expansion of the national cemetery system and to insure burials therein for veterans of the Vietnam conflict; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

H.R. 6397. A bill to modify the existing project, Salem Church Reservoir, Va., and for other purposes; to the Committee on Public Works.

By Mr. SHRIVER:

H.R. 6398. A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for surviving spouses without deduction from original annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SISK:

H.R. 6399. A bill to provide for the temporary suspension of duty on stoppers of cork suitable for wine bottles; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 6400. A bill to amend title 18, United States Code, with respect to the admissibility in evidence of confessions; to the Committee on the Judiciary.

H.R. 6401. A bill to extend rural mail delivery service; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.R. 6402. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

H.R. 6403. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 6404. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 6405. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

H.R. 6406. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

H.R. 6407. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS:

H.R. 6408. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. FRELINGHUYSEN:

H.R. 6409. A bill to provide for a more effective and equitable draft system by amending the Universal Military Training and Service Act; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 6410. A bill relating to replacement property for certain real property acquired in federally assisted programs; to the Committee on Public Works.

By Mrs. MAY:

H.R. 6411. A bill to amend the Packers and Stockyards Act, 1921, as amended; to the Committee on Agriculture.

By Mr. MURPHY of Illinois:

H.R. 6412. A bill to establish a Federal Commission on Alcoholism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHADEBERG:

H.R. 6413. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for tuition expenses of the taxpayer or his spouse or a dependent at an institution of higher education; to the Committee on Ways and Means.

H.R. 6414. A bill to repeal the Presidential Election Campaign Fund Act of 1966; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 6415. A bill to repeal the Presidential Election Campaign Fund Act of 1966; to the Committee on Ways and Means.

By Mr. SMITH of California:

H.R. 6416. A bill to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6417. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 6418. A bill to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6419. A bill to amend title 39, United States Code, to permit the mailing, without cost to the sender, of first-class letter mail to Armed Forces personnel in overseas combat areas designated by the President, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 6420. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance; to the Committee on Armed Services.

By Mr. ADAMS:

H.R. 6421. A bill to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (by request):

H.R. 6422. A bill to amend section 805(c) of the Merchant Marine Act, 1936, relating to salaries for personal services paid to a director, officer or employee; to the Committee on Merchant Marine and Fisheries.

By Mr. MORGAN:

H.R. 6423. A bill to establish a pilot program under which the Administrator of Veterans' Affairs shall direct housing loans available to certain veterans residing abroad; to the Committee on Veterans' Affairs.

By Mr. O'NEILL of Massachusetts:

H.R. 6424. A bill to establish the John Fitzgerald Kennedy National Historic Site in the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 6425. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 6426. A bill to increase the maximum amount of public land which the Secretary of the Interior may sell to a religious or fraternal association for cemetery purposes from 80 acres to 160 acres; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 6427. A bill to amend the Urban Mass Transportation Act of 1964 to provide a priority in the allocation of funds thereunder to those cities which will permit senior citizens to use the facilities involved at specially reduced fares during nonrush hours; to the Committee on Banking and Currency.

By Mr. REUSS:

H.R. 6428. A bill to eliminate the requirement that the Federal Reserve banks maintain certain reserves in gold certificates against Federal Reserve notes; to the Committee on Banking and Currency.

By Mr. RIVERS:

H.R. 6429. A bill to authorize appropriations during fiscal year 1967 for use by the Secretary of Defense for acquisition of properties pursuant to section 1013 of Public Law 89-754, and for other purposes; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 6430. A bill to amend the public health laws relating to mental retardation to extend, expand, and improve them, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6431. A bill to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr MIZE:

H.R. 6432. A bill to provide for the establishment and administration of the Great Plains Parkway; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

H.R. 6433. A bill to provide for the establishment and administration of the Great Plains Parkway; to the Committee on Interior and Insular Affairs.

By Mr. WINN:

H.R. 6434. A bill to provide for the establishment and administration of the Great Plains Parkway; to the Committee on Interior and Insular Affairs.

By Mr. SHRIVER:

H.R. 6435. A bill to provide for the establishment and administration of the Great Plains Parkway; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ:

H.R. 6436. A bill to provide for the establishment and administration of the Great Plains Parkway; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

H.R. 6437. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture.

By Mr. BROTZMAN:

H.R. 6438. A bill to amend the Agricultural Adjustment Act of 1938, as amended,

to permit advance payments to wheat producers; to the Committee on Agriculture.

By Mr. KLEPPE:

H.R. 6439. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture.

By Mr. BATTIN:

H.R. 6440. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture.

By Mr. ESHLEMAN:

H.J. Res. 367. Joint resolution to authorize the President to proclaim April 9, 1967, as Bataan-Corregidor Day; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.J. Res. 368. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 369. Joint resolution to authorize the President to proclaim April 9, 1967, as Bataan-Corregidor Day; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 370. Joint resolution to create a delegation to a convention of North Atlantic nations; to the Committee on Foreign Affairs.

H.J. Res. 371. Joint resolution authorizing and directing the National Institutes of Health to undertake a fair, impartial, and controlled test of Krebiozen; and directing the Food and Drug Administration to withhold action on any new drug application before it on Krebiozen until the completion of such test; and authorizing to be appropriated to the Department of Health, Education, and Welfare the sum of $250,000; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 372. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 373. Joint resolution creating a Joint Committee to Investigate Crime; to the Committee on Rules.

By Mr. McCARTHY:

H.J. Res. 374. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 375. Joint resolution proposing an amendment to the Constitution of the United States relating to the right to vote of citizens who have attained the age of 18 years; to the Committee on the Judiciary.

By Mr. VANIK:

H.J. Res. 376. Joint resolution concerning a national education policy; to the Committee on Education and Labor.

By Mr. DELANEY:

H.J. Res. 377. Joint resolution providing that an environmental health center that may hereafter be established in the Public Health Service shall be known as Rachel Carson Memorial Research Center for Environmental Health; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER:

H.J. Res. 378. Joint resolution to provide stricter control over expenditures by Members of Congress traveling outside the United States, to promote ethical standards of conduct among Members of Congress, and to prohibit nepotism in Government employment; to the Committee on House Administration.

By Mr. STAGGERS:

H.J. Res. 379. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H. Res. 348. Resolution to extend the congratulations of the House of Representatives to the people of Puerto Rico on their 50th anniversary of U.S. citizenship; to the Committee on the Judiciary.

By Mr. BUTTON:

H. Res. 349. Resolution creating a Select Committee on Standards and Conduct, and establishing requirements for disclosure of assets and liabilities, relationships with certain businesses, firms, and lobbyists, and certain nepotic relationships; to the Committee on Rules.

By Mr. HELSTOSKI:

H. Res. 350. Resolution relating to nonproliferation of nuclear weapons; to the Committee on Foreign Affairs.

By Mr. RESNICK:

H. Res. 351. Resolution creating a Select Committee on Standards and Conduct; to the Committee on Rules.

By Mr. TAFT:

H. Res. 352. Resolution that there is hereby established a Select Committee on Standards; to the Committee on Rules.

By Mr. WYMAN:

H. Res. 353. Resolution creating a Select Committee on Standards and Conduct; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 354. Resolution providing funds for the Committee on Interstate and Foreign Commerce for the first session of the 90th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

39. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the Smith-Hughes Act; to the Committee on Education and Labor.

40. Also, memorial of the Legislature of the State of Hawaii, relative to the cutback of Federal highway funds to the State of Hawaii; to the Committee on Ways and Means.

41. Also, memorial of the Legislature of the State of California, relative to the elimination of trade barriers by the several States of the Union against California wines; to the Committee on Interstate and Foreign Commerce.

42. Also, memorial of the Legislature of the State of South Carolina, relative to enacting legislation to prohibit the use of the mails to advertise, sell, and deliver master keys and master key sets; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 6441. A bill for the relief of Antonio Ng; to the Committee on the Judiciary.

H.R. 6442. A bill for the relief of Liley Williams; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 6443. A bill for the relief of Luisa M. Enriquez; to the Committee on the Judiciary.

H.R. 6444. A bill for the relief of Mary Warnick; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 6445. A bill for the relief of Dino J. Caterini; to the Committee on the Judiciary.

H.R. 6446. A bill for the relief of Robert M. Gilkey, Jr.; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 6447. A bill for the relief of Elisabeth Emilie Muckerman; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 6448. A bill for the relief of Richard K. Jones; to the Committee on the Judiciary.

H.R. 6449. A bill for the relief of Dr. Orlando O. Lopez; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6450. A bill for the relief of Pericles Peponias; to the Committee on the Judiciary.

H.R. 6451. A bill for the relief of Angela Vendetti; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.R. 6452. A bill for the relief of John E. Coplin; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 6453. A bill for the relief of Gene R. Hugh; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 6454. A bill for the relief of Salvatore Gambino; to the Committee on the Judiciary.

H.R. 6455. A bill for the relief of Miss Rosalia Elvira Sparacino; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 6456. A bill for the relief of Arie Eliazarov; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 6457. A bill for the relief of Alejandro Debeljkovic; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 6458. A bill for the relief of Yoshiko Ishizawa; to the Committee on the Judiciary.

H.R. 6459. A bill for the relief of Mordechai Zvy Lapidot; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 6460. A bill for the relief of Nick Karagianis; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 6461. A bill for the relief of Mostafa Mirhashemi; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 6462. A bill granting jurisdiction to the Court of Claims to render judgment on certain claims of the Algonac Manufacturing Co. and John A. Maxwell against the United States; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 6463. A bill for the relief of Mrs. Zofia Michalczyk-Ligeza; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 6464. A bill for the relief of Catherine Balbinis; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 6465. A bill for the relief of Trinidad Laceras; to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 6466. A bill for the relief of Eliezer Beitelman; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 6467. A bill for the relief of Cecilia Chen Wong; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 6468. A bill for the relief of Gabriel Jorge Rocha; to the Committee on the Judiciary.

By Mr. YOUNG:

H.R. 6469. A bill for the relief of Farida Hanna Hazbon; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

38. By the SPEAKER: Petition of Ohio Bell, Chicago, Ill., relative to birthrights under the Constitution; to the Committee on the Judiciary.

39. Also, petition of Christian Action Commission, Reformed Church in America, Clifton, N.J., relative to the citizens of the 18th Congressional District of New York not having representation; to the Committee on House Administration.